

Enforcement of NHDES Water Supply Watershed Rules Part Env-Ws 386 Guidance For Local Officials

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Introduction

Source water protection – protecting the sources of water used by public water systems – is primarily the responsibility of water suppliers and municipalities. The Source Water Protection Program in the New Hampshire Department of Environmental Services (DES) provides source water protection assistance in the form of information, guidance, training, grants, technical assistance, and regulatory support. This support includes the adoption of rules for the protection of many of the state’s surface water supply sources in N.H. Code of Administrative Rules Env-Ws 386. The responsibility to enforce those rules and thereby protect particular water supply sources lies with each respective water supplier. DES encourages water suppliers to work with the municipalities in which their source water protection areas lie to help implement source water protection measures.

This guidance document is intended to support the activities of local officials authorized by DES to enforce the provisions of Env-Ws 386 or successor rules in subtitle Env-Dw. Because local officials and their duly authorized agents are acting as agents of DES when they enforce the rules, they must follow procedures consistent with those followed by DES personnel. These procedures are summarized in this guide.¹

I. Who May Enforce Env-Ws 386

In addition to DES, local health officers, boards of water commissioners, boards of health, and their agents who are specifically empowered by DES to enforce these rules may do so. In general, the health officer of the water-supplying municipality may enforce the rules in the entire area (usually the entire watershed) affected by the respective section of the rules, and other local officials (and their agents) empowered by DES may enforce the rules in their respective municipalities. Local officials should check the section of Env-Ws 386 (attached) that pertains to their community or water supply to determine (1) what area is covered by their section and (2) which officials have been designated as DES’s agents. The area is typically described in paragraph (b) of each section and the agents are typically designated in paragraph (d).

For example, Env-Ws 386.49 pertains to Lake Waukegan, the water supply for Meredith. Env-Ws 386.49(b) states that Env-Ws 386.49 is effective within the Lake Waukegan watershed and lists the towns in which the watershed is located. Env-Ws 386.49(d) designates “the health officers and the boards of health of the towns of Ashland, Center Harbor, Holderness, Meredith, and New Hampton and their duly authorized agents, and the board of selectmen of the town of Meredith and its duly authorized agents, as agents of the department for the enforcement of this section in cooperation with the department.” Because the water supply is used by the town of Meredith (as indicated in Env-Ws 386.49(a)), the Meredith health officer, board of health, and board of selectmen and their agents are empowered to enforce Env-Ws 386.49 in the entire Lake Waukegan watershed. The health officers and the boards of health in the other watershed towns

¹ For a more complete explanation of DES compliance assurance policies, please refer to *NH Department of Environmental Services Compliance Assurance Response Policy*, available online at <http://www.des.nh.gov/legal/carp/>.

are each empowered to enforce Env-Ws 386.49 in their respective towns. Any questions about the geographic and other limits of enforcement authority of DES's agents designated in Env-Ws 386 can be directed to DES's Drinking Water Source Protection Program (please see attached list of contacts).

As indicated in paragraph (d) of each section, the officials designated as DES's agents may in turn designate agents. These locally designated agents might include, for example, employees of the water department, code enforcement officers, and the police department. Agents should be designated in writing and should be provided with a copy of this guide. Agents without previous regulatory enforcement experience should contact DES's Drinking Water Source Protection Program regarding training.

II. The Role and Elements of Enforcement

Enforcement is "the application of a set of legal tools, both informal and formal, designed to impose legal sanction (*e.g.* penalty) to ensure a defined set of requirements is complied with."² Enforcement should be part of a larger program to ensure compliance and prevent violations of rules designed to protect public health and the environment. Outreach and public education are important in ensuring compliance and preventing violations. Informal responses to violations include verbal warnings, phone calls, site visits, warning letters, and written notices of violations. In some cases, it is necessary to pursue legal remedies and sanctions imposed administratively, by DES, and/or judicially, by the courts. Most cases of violations can be resolved informally, but it is sometimes necessary to proceed all the way to administrative or judicial fines and other sanctions in order to send the message to the greater regulated community that the rule must be taken seriously.

III. Notifying the Public

Almost every section of Env-Ws 386 that pertains to a water supply source contains a paragraph (usually paragraph (g)) that requires the water supplier to post a summary of the section's restrictions at public access locations. Some sections contain additional public notification requirements. For example, most sections establish no-swimming or no-boating areas, and the rule may note that a particular area is marked with floats or a sign. **It is the water supplier's responsibility to comply with these public notification requirements.** DES strongly recommends that any posted notice be displayed in English and other languages commonly used by those who are likely to see it. It also would be useful to include graphics (see photo) to communicate the most important restrictions. Providing adequate notice is essential for two reasons. First, it is not realistic to expect people to comply with the rule if they are not aware of

² Cheryl E. Wasserman, An Overview of Compliance and Enforcement in the United States: Philosophy, Strategies, and Management Tools, *Proceedings, First International Enforcement Workshop (Vol. 1)*, (Utrecht, The Netherlands, May, 1990), International Network for Environmental Compliance and Enforcement, Washington, D.C.

its provisions. Second, failure to provide adequate notice will weaken the water supplier's or DES's ability to enforce the rule.

DES also recommends that water suppliers go beyond the minimum public notification requirements in the rule, using whatever means are most effective at reaching land owners in the affected area and other people who may enter the area. While the amount of information included in the message may be limited by the communication method (you can only fit so much information on a sign, for example), the message should ideally include:

- Why it is important to keep the source water free of contaminants.
- The specific restrictions established by the applicable section of Env-Ws 386.
- Any other restrictions established by local regulations or ordinances.
- Potential fines and penalties. (In the case of Env-Ws 386, penalties include administrative fines up to \$2,000 per offense, civil penalties of up to \$25,000 per offense, and criminal penalties assigned to misdemeanors for individuals and to felonies for any other legal entity.)



*Source: www.ComplianceSigns.com.
Used with permission.*

In addition to signs at public access points, the communication methods may include the following:

- Periodic press releases and notices in the local newspaper and other local media such as community-access cable.
- Developing and distributing a flyer that summarizes the restrictions and identifies the area(s) affected.
- Direct mail (or door-to-door) delivery of notices to owners of land affected by the rule.
- Notices (and maps) posted on public bulletin boards (both electronic and the old-fashioned kind).
- Letters to land use boards of the various towns in the watershed.
- Bill stuffers.
- Contact with recreational groups such as boaters, snowmobilers, and all-terrain vehicle (ATV) users.
- Contact with businesses such as marinas, owners of public docks, and hotels or resorts with water frontage.

In some cases, DES's Drinking Water Source Protection Program can provide guidance as well as financial assistance with the cost of public education materials.

IV. Discovering Violations

A. The Agent's Role

New Hampshire's Safe Drinking Water Act (RSA 485), which enables DES to adopt Env-Ws 386, also enables DES to designate certain local officials to enforce the rule *in cooperation with* DES. Because DES does not have the resources to monitor water supplies and their watersheds for compliance with the rule, it is primarily the responsibility of the water supplier and local officials to do so. Due to the other responsibilities of local health officials, the monitoring aspect of enforcement will often fall on the water supplier. Water suppliers should conduct periodic patrols of their watersheds and water sources, with an emphasis on frequent patrols at times and in places when violations are most likely to occur, such as on summer weekends for swimming and boating violations. The water supplier, health officer, or local police should also investigate in a timely manner when they receive complaints or reports of violations. In most cases, the local police department is best equipped to investigate complaints of violations such as swimming, boating, snowmobiling, or ATV use where prohibited.

B. Inspections

The authority to enforce does *not* necessarily include the authority to enter private property without the owner's permission. If the owner of the property (or the owner's representative) does not allow the agent to conduct an inspection at a mutually agreeable time, the agent may obtain an administrative inspection warrant. Please contact DES for more information about obtaining a warrant.

At the time of the inspection, the agent should be prepared to show identification, a copy of the rules, and written proof of the agent's authority (for example, a letter designating water department employees as agents of the board of water commissioners or designating the code enforcement officer as agent of the board of selectmen). The agent should explain the purpose of the inspection and the scope of what he/she intends to inspect. It would be helpful to have a checklist based on the restrictions spelled out in the section of the rules that applies to the water supply source, and to provide a copy of the checklist to the owner or representative. Continuing with the Lake Waukewan example, the checklist would list the prohibitions and restrictions found in Env-Ws 386.49(h).

At the end of the inspection, the agent should review his/her findings and any concerns he/she may have with the property owner or representative. The agent should discuss and document any steps the property owner must take to correct any violations observed. If the agent and the property owner cannot come to agreement on a timetable for correcting violations, the agent should issue a Notice of Violation or Field Citation (see below). If agreement is reached, the agent should summarize the results of the inspection and the terms of the agreement to correct the violation in a written warning soon after the inspection, mail a copy of the letter to the owner and mail a copy to DES. A suggested form for such a letter is included in section VIII of this document.

C. Record Keeping

Each agent should keep written records of the times of any and all patrols and inspections, with detailed written observations, summaries of discussions, and photographs of the circumstances constituting any violation.

V. Issuing Warnings

A. Warnings and Notices of Violation

Warnings are up to the discretion of the agent, but it is strongly recommended that the agent have a written enforcement policy, developed in consultation with DES and with the other DES agents enforcing the same section of the rule (*i.e.*, protecting the same water supply), regarding when an oral warning is appropriate, when a written warning is appropriate, and when a Notice of Violation will be issued. An example of an enforcement policy is included in section VIII. The decision regarding appropriate enforcement action should be based on such factors as:

- The severity of the violation: the extent to which the applicable requirements were met, and whether the violation caused actual harm or had the potential for causing harm.
- Whether the respondent (the alleged violator) benefited economically from the violation.
- Whether the respondent knew or should have known that the activity was a violation.
- How likely the respondent is to come into compliance.
- Whether the violation has been repeated and how likely it is to be repeated in the future.
- Whether there is proof that the respondent is responsible for the violation.

B. Documenting an Oral Warning

When issuing an oral warning, the enforcement official should lay the groundwork for a possible prosecution by (1) noting any defenses the respondent raises (*e.g.*, “I didn’t know”) and any possible rebuttal (*e.g.*, no swimming sign posted at entry point), and (2) keeping careful written records of any conversations or correspondence with the respondent for use as admissions or proof of facts.

C. Written Warnings

A written warning should be issued in response to a violation for which an oral warning is deemed inadequate. A written warning can take the form of a letter sent after the inspection or other detection of a violation, or can be a “ticket” that is completed in the field and handed to the person believed to be responsible for the violation.

D. Other Responses Short of Formal Enforcement

A Notice of Past Violation (NPV) is a notice to the respondent that deficiencies occurred and an acknowledgement by DES (or its agent) that the deficiencies have been corrected or otherwise terminated. An NPV is used when enforcement or remedial action is not called for because the violation has already been corrected or otherwise terminated prior to the agent discovering it and a monetary penalty is not warranted, but it is desirable to document that the violation occurred in order to establish the respondent's compliance history.

VI. When Warnings Don't Work

A. Issuing a Notice of Violation and Contacting DES

A Notice of Violation (NOV) notifies the respondent that DES's agent has identified one or more violations and requests the respondent to correct the violation(s) without more formal enforcement action. The NOV should identify a reasonable period of time in which the respondent should correct the violation(s). The NOV must be sent by certified mail, return receipt requested, so that DES can prove in court that it was received (if necessary). If this type of service does not work or is not practical, personal delivery ("delivery in hand") may be more practical. Any delivery in hand should be documented with a memo using the form included in section VIII of this document. An example of an NOV is also included in section VIII of this document.

If an NOV is issued, a follow-up inspection must be conducted after the time period specified in the NOV. If compliance has been achieved, the agent should send a letter to thank the respondent for coming into compliance and close the file. An example of such a letter is also included in section VIII of this document.

B. Formal Enforcement

If the respondent does not terminate or otherwise correct the violation in response to the NOV and does not voluntarily agree to a schedule to come into compliance, a decision must be made regarding the next step to take. If the municipality that initiated the action has local enforcement/penalty authority, it may be possible for the municipality to proceed locally. Consultation with the municipality's legal counsel is strongly recommended; DES cannot advise on the applicability of local enforcement/penalty authority or the advisability of using it.

If the municipality does not have, or is not willing to use, local enforcement/penalty authority, but believes the case should be pursued, the agent must take formal enforcement action consistent with a local enforcement policy approved by DES or refer the case to DES. To refer a case, the local agent must first consult with the WSEB Source Water Protection Coordinator, who will consult with the DES Compliance Attorney, to determine whether there is a sufficient basis for DES to pursue the case. If there is, the local agent must send DES a certified copy of the complete file, including copies of any e-mail to and/or from the respondent and notes of any

telephone conversations with the respondent. Upon receipt of the file, DES will determine whether to pursue the case administratively (e.g., by issuing an administrative order or commencing an administrative fine proceeding) or to refer it to the Attorney General's Office for civil or criminal prosecution.

It will be very helpful to show that the respondent was aware that his or her actions constituted a violation. This is where the agent's records of public notification and oral warnings and proof of service of the Notice of Violation will prove useful.

C. Issuing a Field Citation

A Field Citation is a notice, written on the spot by a DES inspector or agent, that DES's Water Division is *proposing* an administrative fine against the person believed to have committed a violation ("respondent"). The field citation also notifies the respondent of three things: that the respondent has the right to a hearing on the proposed fine, that the respondent has an obligation to respond to the citation, and the date by which the respondent must respond. The DES agent should adopt a local enforcement policy in cooperation with DES (see attached example) that guides the field inspector with respect to when an oral warning will be issued, when a written warning will be issued, when a field citation will be issued, and when a case will be referred to DES. The DES agent should be consistent in following the policy. Specifically, a field citation may be used for the following types of violations if an oral warning is not sufficient.

Violations For Which a Field Citation May Be Used

1. Swimming or other body contact recreation in violation of the rule (Env-Ws 386) when the respondent knew or should have known of the prohibition.
2. Boating, using a seaplane, or similar activity in violation of the rule when the respondent knew or should have known of the prohibition.
3. Operating a motor vehicle, all-terrain vehicle or other OHRV in violation of the rule when the respondent knew or should have known of the prohibition.
4. Racing or operating a power boat or snow traveling vehicle at an excessive speed in violation of the rule when the respondent knew or should have known of the prohibition.
5. Fishing or other recreational activity in violation of the rule when the respondent knew or should have known of the prohibition.
6. Entering upon the water, ice, or watershed lands in violation of the rule when the respondent knew or should have known of the prohibition.
7. Depositing any dead animals or parts thereof, food or other perishable articles, refuse, appliances, auto parts, tires, tree stumps, or any other litter or solid waste or storing liquid petroleum products, road salt or deicing chemicals in violation of the rule.
8. Depositing or discharging any petroleum product, chemical, or hazardous waste in violation of the rule.
9. Allowing a domestic animal to enter the water or ice waste in violation of the rule when the respondent knew or should have known of the prohibition.

10. Discharging any excrement, urine, or wastewater from a vessel, cruiser, boat, houseboat, wharf or any structure or any tank or receptacle thereon or therein contained or failure to maintain a marine toilet as required by state law (RSA 487:2) in violation of the rule.
11. Failing to consult with the water supplier before conducting timber harvesting activities in violation of the rule when the respondent knew or should have known of the requirement.

The field citation is a multi-part carbonless form, available from DES, which DES's agent must use as follows:

1. Fill out the form completely.
2. Sign the citation.
3. Present the citation to the respondent for signature (the respondent is required by Administrative Rule Env-C 601.12(d) to sign the citation, keep a copy, and return the original and the other copies to the agent).
4. Keep a copy of the signed citation and send the original to the Source Water Protection Coordinator, Water Supply Engineering Bureau, NHDES.

Filling Out a Field Citation

Most of the items required on the field citation are self-explanatory. All items need to be filled out by the local agent, with the exception of the violator's signature. Only two items require explanation here:

Section of the rule violated: All violations related to a single water supply source will involve the same section of the rule (*e.g.*, for Lake Waukewan, Env-Ws 386.49). The local agent should further identify the violation by subparagraph, *e.g.*, Env-Ws 386.49**(h)(3)**.

Amount of fine proposed: The schedule of fines is pre-printed on the carbonless Field Citation forms supplied by DES. (Note that the maximum fine under a field citation is \$100 per violation and \$1,000 total per respondent.)

VII. Appeals

Because a Notice of Violation is a preliminary action (*i.e.*, is not directly enforceable), it is not subject to appeal.

A field citation also is not subject to appeal because it is not a final decision. However, if a field citation is issued or DES commences an administrative fine proceeding, the respondent has the opportunity for a hearing before a final decision is made. If a hearing is held and a decision to impose a fine is issued, the respondent can request the Commissioner to reconsider the decision and, if dissatisfied with the decision on reconsideration, can appeal on issues of law to the NH Supreme Court.

If a case is referred to DES and DES issues an administrative order, the respondent can appeal the order to the Water Council.

If DES refers a case to the Attorney General's Office, all subsequent hearings and appeals are conducted in the courts.

VIII. Additional Information (attached)

- A) Contacts at DES
- B) Enforcement Decision Tree
- C) Enforcement Follow-up Flowchart
- D) Local Enforcement Policy (example)
- E) Schedule of Fines for Field Citations
- F) Forms
 - 1) Written Warning
 - 2) Notice of Past Violation
 - 3) Notice of Violation
 - 4) Memo to DES Regarding Service of NOV
 - 5) Closure Letter
 - 6) Field Citation
- G) Env-Ws 386 Rules for Protecting the Purity of Regulated Watersheds

Attachment A

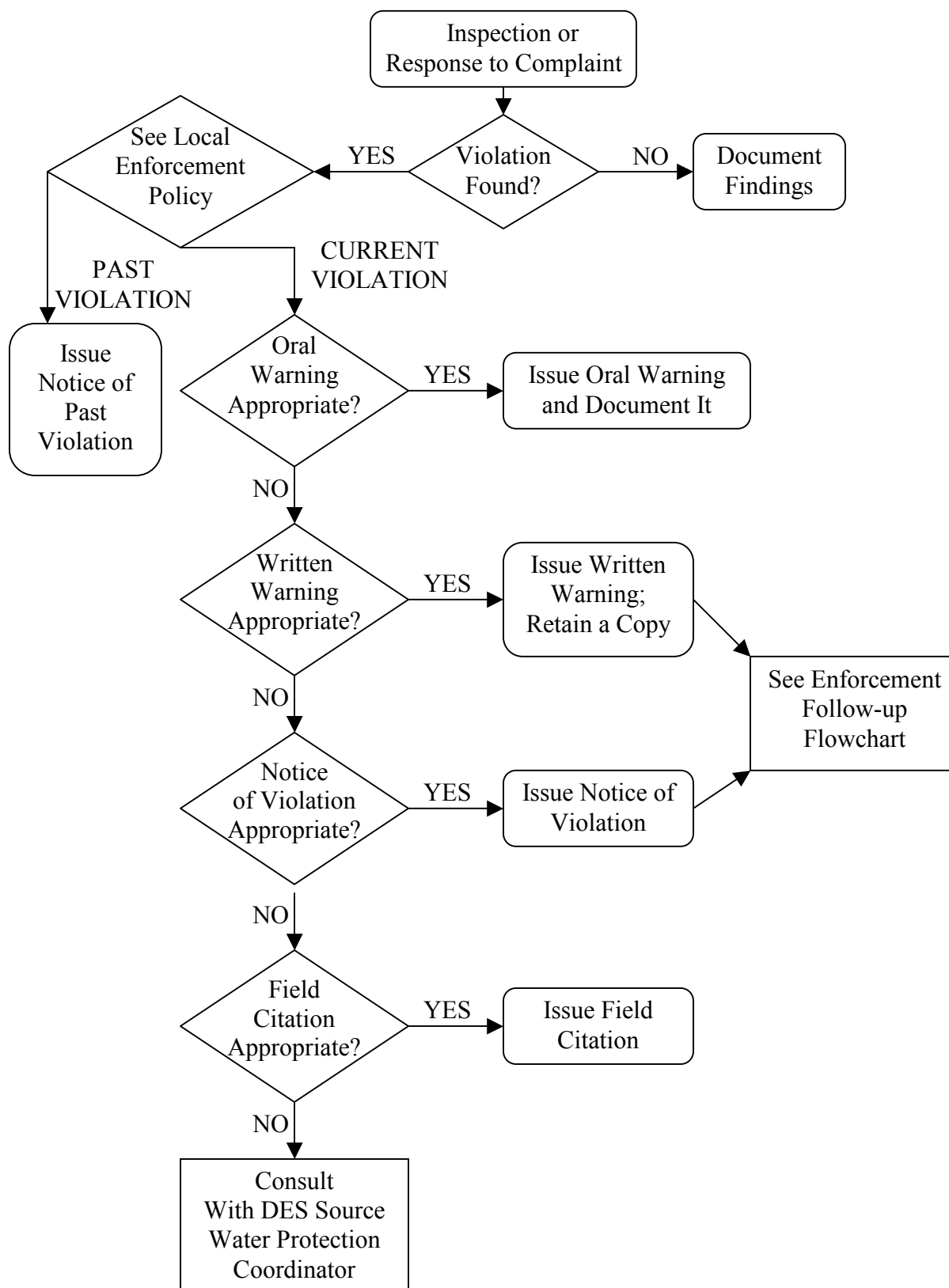
Contacts at the New Hampshire Department of Environmental Services

Main point of contact for DES agents:

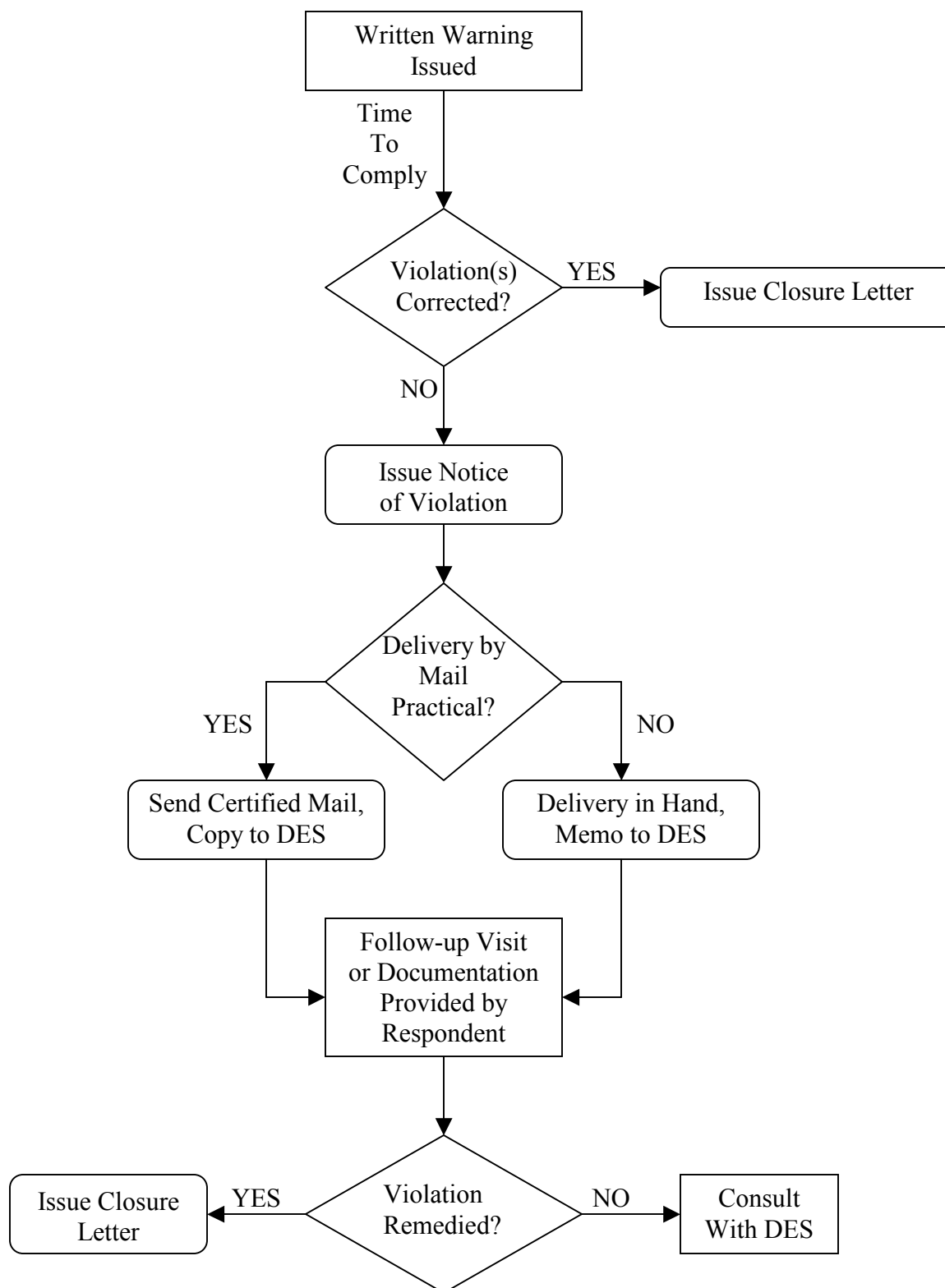
Drinking Water Source Protection Program
Water Supply Engineering Bureau
N.H. Department of Environmental Services
29 Hazen Drive
Concord NH 03301
(603) 271-7061

Send Notices of Violations (copies) to:

Source Water Protection Coordinator
Water Supply Engineering Bureau
N.H. Department of Environmental Services
29 Hazen Drive
Concord NH 03301

Attachment B
ENFORCEMENT DECISION TREE

Attachment C
ENFORCEMENT FOLLOW-UP FLOWCHART



Attachment D
SAMPLE LOCAL ENFORCEMENT POLICY

The local agent (e.g., board of water commissioners, local health officer, local board of health named in the rule) should adapt this sample policy to local needs and enforcement capabilities, and submit the proposed local policy to the WSEB Source Water Protection Coordinator for approval. The local agent should draft the policy in consultation with its agent(s), if any (e.g., local police department, code enforcement officer) to ensure that the policy will be followed consistently.

The Northbrook Board of Health adopts this policy in its capacity as agent of the New Hampshire Department of Environmental Services (DES) for the enforcement of New Hampshire Code of Administrative Rules Env-Ws 386.99 and successor rules in subtitle Env-Dw in cooperation with DES pursuant to Env-Ws 386.99(d). The Northbrook Board of Health designates the Northbrook Health Officer, the Northbrook Police Department, and the Northbrook Code Enforcement Officer as its agents for the enforcement of said rule.

When a violation of said rule is discovered, the agent shall take the following action(s):

- A. If the violation has already been corrected by the time it is discovered and a monetary penalty is not warranted, ISSUE A NOTICE OF PAST VIOLATION and retain a copy. A monetary penalty is generally not warranted if the violation has been corrected and it can not be proved that contaminants have entered the water supply
- B. If a Notice of Past Violation is not appropriate per paragraph A and it is likely that the respondent was NOT AWARE of the provisions violated (*e.g.*, respondent is not a resident of an area where notices are regularly mailed AND notice of the provision violated is not conspicuously posted), AND an Oral Warning is likely to bring the respondent into full compliance, AND no follow-up is required, ISSUE AN ORAL WARNING and document said warning, noting the respondent's name and address and the nature of the violation.
- C. If an Oral Warning is not appropriate per paragraph B AND NO HARM HAS BEEN DONE to the water supply, meaning contaminants have not been allowed to enter the water and conditions have not been created that will allow contaminants to enter the water, AND a Written Warning is likely to bring the respondent into full compliance, ISSUE A WRITTEN WARNING and retain a copy. Establish a reasonable schedule for the respondent to come into compliance. Once compliance has been verified, issue a Closure Letter.

The following actions are considered to result in harm *when in violation of the rule*: use of a petroleum-powered boat; swimming or bathing or other body contact recreation when the respondent has become wet above the knees; depositing dead animals, parts thereof, food, perishables, refuse, solid waste, petroleum products, or other contaminants in the water supply or any tributary thereto or onto the ice thereof; allowing a domestic

animal to enter the water or ice; disturbing land or vegetation when such disturbance results in erosion and sedimentation of the water or ice.

- D. IF MINOR HARM HAS BEEN DONE or the respondent does not come into compliance within a reasonable amount of time after receiving a Written Warning, AND the respondent is likely to come into compliance and remain in compliance without a penalty being imposed, AND the respondent did not realize an economic benefit from the violation, AND does not have a history of violating this rule, ISSUE A NOTICE OF VIOLATION. Send it to the respondent by certified mail, return receipt requested, or deliver it in hand to the respondent. If delivered in hand, document delivery using "Memo to DES Regarding Service of Notice of Violation."
- E. IF SUBSTANTIAL HARM HAS BEEN DONE OR would have been done if the violation had not been discovered so soon, OR the respondent does not correct the violation in a reasonable amount of time after receiving a Notice of Violation, OR the respondent has realized an economic benefit from the violation OR has a history of violating this rule, OR is not likely to come into compliance and remain in compliance if a penalty is not proposed, ISSUE A FIELD CITATION or CONSULT WITH DES'S SOURCE WATER PROTECTION COORDINATOR. If the case is to be referred to DES, gather and provide to DES sufficient information and testimony to enable DES to successfully prosecute the case. A field citation may be used for the following types of violations:

Violations For Which a Field Citation May Be Used

1. Swimming or other body contact recreation in violation of the rule (Env-Ws 386) when the respondent knew or should have known of the prohibition;
2. Boating, using a seaplane, or similar activity in violation of the rule when the respondent knew or should have known of the prohibition;
3. Operating a motor vehicle, all-terrain vehicle or other OHRV in violation of the rule when the respondent knew or should have known of the prohibition;
4. Racing or operating a power boat or snow traveling vehicle at an excessive speed in violation of the rule when the respondent knew or should have known of the prohibition;
5. Fishing or other recreational activity in violation of the rule when the respondent knew or should have known of the prohibition;
6. Entering upon the water, ice, or watershed lands in violation of the rule when the respondent knew or should have known of the prohibition;
7. Depositing any dead animals or parts thereof, food or other perishable articles, refuse, appliances, auto parts, tires, tree stumps, or any other litter or solid waste or storing liquid petroleum products, road salt or deicing chemicals in violation of the rule;
8. Depositing or discharging any petroleum product, chemical, or hazardous waste in violation of the rule;

9. Allowing a domestic animal to enter the water or ice waste in violation of the rule when the respondent knew or should have known of the prohibition;
10. Discharging any excrement, urine, or wastewater from a vessel, cruiser, boat, houseboat, wharf or any structure or any tank or receptacle thereon or therein contained or failure to maintain a marine toilet as required by state law (RSA 487:2) in violation of the rule; and
11. Failing to consult with the water supplier before conducting timber harvesting activities in violation of the rule when the respondent knew or should have known of the requirement.

If there is a violation of a local ordinance, follow the appropriate enforcement procedures for those ordinances.

This policy was adopted by the Northbrook Board of Health on (date)

_____ (Name, title, and signature)

_____ (Name, title, and signature)

_____ (Name, title, and signature)

Accepted by the New Hampshire Department of Environmental Services

_____ (Name, title, signature, and date)

Attachment E

Proposed Schedule of Fines for Field Citations

For Violations of Env-Ws 386

(Not to exceed a total of \$1,000 per respondent)

Violation	Fine
Swimming or other body contact recreation in violation of the rule (Env-Ws 386).	\$100 per occurrence
Boating, using a seaplane, or similar activity in violation of the rule.	\$100 per hour or portion thereof
Operating a motor vehicle, all-terrain vehicle or other OHRV in violation of the rule.	\$100 per hour or portion thereof
Racing or operating a power boat or snow traveling vehicle at an excessive speed in violation of the rule.	\$100 per hour or portion thereof
Fishing or other recreational activity in violation of the rule.	\$100 per occurrence
Entering upon the water, ice, or watershed lands in violation of the rule.	\$100 per occurrence
Depositing any dead animals or parts thereof, food or other perishable articles, refuse, appliances, auto parts, tires, tree stumps, or any other litter or solid waste or storing liquid petroleum products, road salt or deicing chemicals in violation of the rule.	\$100 per occurrence
Depositing or discharging any petroleum product, chemical, or hazardous waste in violation of the rule.	\$100 per occurrence
Allowing a domestic animal to enter the water or ice.	\$100 per occurrence
Discharging any excrement, urine, or wastewater from a vessel, cruiser, boat, houseboat, wharf or any structure or any tank or receptacle thereon or therein contained or failure to maintain a marine toilet as required by state law (RSA 487:2) in violation of the rule.	\$100 per occurrence (for discharges, \$100 per 10 gallons or portion thereof)
Failing to consult with the water supplier before conducting timber harvesting activities in violation of the rule.	\$100 per hour of timber harvesting

Attachment F – 1
WRITTEN WARNING

(This letter should be on the agent's letterhead.)

(Date)

Respondent _____
Contact Person and Title _____
Address _____
Telephone Number _____

Subject: (Name of business - if applicable- and address of property) – Warning regarding violation of Env-Ws 386.(section number), Protection of the Purity of (water supply name)

Dear (name):

New Hampshire Code of Administrative Rules Part Env-Ws 386 establishes methods for reasonable watershed management so as to maintain high levels of water quality in surface water sources of public water supply. N.H. Department of Environmental Services (DES) has designated specific water suppliers, health officers, boards of health, boards of selectmen, and their agents as agents of DES for the enforcement of this rule.

(DES agent, *e.g.*, the Northbrook Board of Water Commissioners) has been designated as DES's agent for the enforcement of Env-Ws 386.(section number) in cooperation with DES. During the course of an inspection conducted at (location) on (date), the following violations of Env-Ws 386.(section number) were discovered. This purpose of this letter is to ask that these violations be corrected by (date).

Rule Violated	Description of Problem	Corrective Action Required
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Please note that failure to comply with this request may result in further enforcement action by (agent) or by DES, which may include administrative fines or referral to the Attorney General's Office for civil or criminal penalties.

I will contact you in the near future to schedule an inspection to verify compliance with this request. If you need clarification of the rules or the required corrective action(s), please contact me at (phone) between the hours of (hours). Thank you in advance for your willingness to help protect this valuable public water supply source.

Sincerely,

(name)
(title)

Attachment F-2
NOTICE OF PAST VIOLATION

(date)

(name of respondent)
(mailing address)

Subject: Notice of Past Violation of N.H. Code of Administrative Rules Env-Ws 386.(section)
(property address, tax map and lot number)

Dear (name):

(DES agent, *e.g.*, the Sometown Board of Water Commissioners) has been designated by the N.H. Department of Environmental Services (DES) as DES's agent for the enforcement of the subject rule in cooperation with DES. On (date), (inspector's name and title) discovered that the following violation(s) of Env-Ws 386.(section number) had occurred but have been terminated or otherwise corrected:

- 1.
 - 2.
- ... [continue as needed]

This Notice of Past Violation is to inform you that the violation(s) referenced above have been documented and will be maintained on file at (agent). No further action is required of you relative to the noted violation(s), and (agent) will take no further enforcement action at this time. This Notice is being sent to help you avoid similar violations in the future so as to protect this important public water supply source.

If you have any questions regarding this matter, please feel free to contact (inspector) at (contact information).

Sincerely,

(agent)

Attachment F-3

**NOTICE OF VIOLATION
OF RULES PROTECTING THE PURITY
OF WATER SUPPLY WATERSHEDS Env-Ws 386**

Issued to: _____
Address: _____

Note: This form must be adapted to list the specific prohibitions and restrictions in the section of Env-Ws 386 being enforced.

YOU ARE HERBY NOTIFIED that you have violated the following paragraph(s) of NH Code of Administrative Rules Env-Ws 386.____, designed to protect the purity of _____, a protected water supply (hereinafter “the Water”):

____(h)(1) No privy, pig-pen, stable, or other structure for animals or fowl within 75 feet of the Water.

____(h)(2) No discharge of urine, sink water, or water that has been used for washing . . .

____(List all paragraphs, subparagraphs, etc. that contain restrictions.)

These violations can be corrected by taking the following action(s):

(Detail action needed for each violation) by (date).

In the event compliance is not achieved within this period, further action may be taken against you, including seeking penalties and/or referring the case to the N.H. Department of Environmental Services (DES) for further enforcement action. DES may initiate formal action, including issuing an order requiring the violations to be corrected, initiating an administrative fine proceeding, and/or referring the matter to the N.H. Department of Justice for imposition of appropriate penalties.

RSA 485:58, II PROVIDES THAT A KNOWING VIOLATION OF THESE RULES CONSTITUTES A MISDEMEANOR FOR A NATURAL PERSON AND A FELONY FOR ANY OTHER PERSON. RSA 485:58, III PROVIDES THAT ANY PERSON WHO VIOLATES THESE RULES SHALL BE LIABLE TO THE STATE FOR A CIVIL FORFEITURE OF UP TO \$25,000 FOR EACH DAY OF SUCH VIOLATION.

If you have specific evidence contrary to the statements detailed above, please forward the information immediately to Source Water Protection Coordinator, Water Supply Engineering Bureau, N.H. Department of Environmental Services, 29 Hazen Drive, Concord NH 03301. If you have any questions concerning this matter, please contact the Water Supply Engineering Bureau at (603) 271-3139.

Date: _____

[Name/Title]

Duly Authorized by the N. H. Department
of Environmental Services

cc: Source Water Protection Coordinator, Water Supply Engineering Bureau, NH Department of
Environmental Services

Attachment F-4

MEMO TO DES REGARDING SERVICE OF NOTICE OF VIOLATION

(To be used when NOV is delivered in hand to respondent. If NOV is mailed to respondent, please mail DES a copy of the NOV.)

TO: Source Water Protection Coordinator
Water Supply Engineering Bureau
N.H. Department of Environmental Services

FROM:

SUBJECT: Notification regarding NOV service

DATE:

Enclosed is a copy of a Notice of Violation of Env-Ws 386, served in hand to (name and business name, if any) on (date) at (time) by (name of agent), acting as a duly authorized agent of the N.H. Department of Environmental Services.

(signature)

(name and title of individual who served NOV)

Attachment F-5
CLOSURE LETTER

(date)

(name of respondent)
(mailing address)

Subject: (Notice of Violation / Written Warning) of N.H. Code of Administrative Rules Env-Ws 386.(section)
(property address, tax map and lot number)

Dear (name):

(DES agent, *e.g.*, the Sometown Board of Water Commissioners) has been designated by the N.H. Department of Environmental Services (DES) as DES's agent for the enforcement of the subject rule in cooperation with DES. On (date), (inspector's name and title) discovered that the following violations of Env-Ws 386.(section number), as documented in a letter from (agent) dated (date):

- 1.
 - 2.
- ... [continue as needed]

A subsequent inspection by (inspector) found (or documentation provided by you shows) that the above violations had been corrected or otherwise terminated. This letter is to inform you that our file has been closed. No further action is required of you relative to the noted violation(s).

We appreciate your cooperation in resolving the noted violation(s) so as to protect this important public water supply source. If you have any questions regarding this matter, please feel free to contact (inspector) at (contact information).

Sincerely,

(agent)

Attachment F-6

FIELD CITATION FORM

(Do not use this form; use multi-part carbonless forms supplied by NHDES.)

New Hampshire Department of Environmental Services
PO Box 95, 29 Hazen Drive, Concord NH 03302-0095
(603) 271-3503

NOTICE OF PROPOSED FINE

New Hampshire Code of Administrative Rules Part Env-Ws 386 establishes methods for reasonable watershed management so as to maintain high levels of water quality in surface water sources of public water supply. N.H. Department of Environmental Services has designated specific water suppliers, health officers, boards of health, boards of selectmen, and their agents as agents of the Department for the enforcement of this rule.

Respondent Information

Name _____

Contact Person and Title _____

Address _____

Telephone Number _____

Person Receiving Citation (print name) _____

Signature _____

Date: _____ Time: _____

Response Required, Right to Hearing

Pursuant to Env-C 601.06, the respondent is required to respond to this citation within 25 days of the date of the citation. The respondent shall respond to: Legal Unit at the above address for the Department. The respondent has the right to a hearing.

Violations Identified

Rule Section	Description of Violation	Proposed Fine
Env-Ws 386. _____	_____	_____
Env-Ws 386. _____	_____	_____
Env-Ws 386. _____	_____	_____
TOTAL		_____

Statutory Authority

N.H. Revised Statutes Annotated (RSA) 485:58, IV states in part, "The commissioner of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter including any rule adopted under the provisions of this chapter."

Inspector/Agent Issuing Citation

Name _____

Telephone Number _____

Signature _____

Attachment G - NEW HAMPSHIRE DRINKING WATER RULES**Table of Contents****PART Env-Ws 386 RULES FOR PROTECTING THE PURITY OF REGULATED WATERSHEDS**

Section Env-Ws 386.01	Purpose
Section Env-Ws 386.02	Applicability to Regulated Watersheds
Section Env-Ws 386.03	Restriction of Activities Beyond The Setback From Streams and Shorelines
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Section Env-Ws 386.10	Protection of the Purity of Bradley Lake and Its Watershed
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Section Env-Ws 386.20	Protection of the Purity of Sugar River and Its Watershed - RESERVED
Section Env-Ws 386.21	Protection of the Purity of Penacook Pond and Its Watershed
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Section Env-Ws 386.36	Protection of the Purity of Woodward Pond, Roaring Brook, Babbidge Reservoir and Their Watershed
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Section Env-Ws 386.43	Protection of the Purity of Loon Pond and Loon Reservoir and Its Watershed - RESERVED

Section Env-Ws 386.44 Protection of the Purity of the East Branch of the Pemigewasset River and Its Watershed - RESERVED

Section Env-Ws 386.45 Protection of the Purity of the Water of the North Branch of the Gale River

Section Env-Ws 386.46 Protection of the Purity of the Water of the South Branch of the Gale River

Section Env-Ws 386.47 Protection of the Purity of the Water of Lake Massabesic and Its Tributaries

Section Env-Ws 386.48 -Protection of the Purity of the Merrimack River and Its Watershed - RESERVED

Section Env-Ws 386.49 Protection of the Purity of the Water of Lake Waukewan and Its Watershed

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Section Env-Ws 386.52 Protection of the Purity of Mountain Pond, Gordon Hill Reservoir and Their Watersheds

Section Env-Ws 386.53 Protection of the Purity of Follett Brook and Its Watershed

Section Env-Ws 386.54 Protection of the Purity of Piscassic River and Its Watershed - RESERVED

Section Env-Ws 386.55 Protection of the Purity of Lamprey River and Its Watershed - RESERVED

Section Env-Ws 386.56 Protection of the Purity of the Water of Gilman Pond and Its Watershed in the Town of Unity

Section Env-Ws 386.57 Protection of the Purity of Berry Pond and Its Watershed

Section Env-Ws 386.58 Protection of the Purity of the Bellamy Reservoir and Its Watershed

Section Env-Ws 386.59 Protection of the Purity of Round Pond and Rochester Reservoir and their Watersheds

Section Env-Ws 386.60 Protection of the Berry's River and Its Watershed

Section Env-Ws 386.61 Protection of the Purity of the Water of Canobie Lake and Its Watershed

Section Env-Ws 386.62 Protection of the Purity of Arlington Mills Reservoir and Its Watershed - RESERVED

Section Env-Ws 386.63 Protection of the Purity of Salmon Falls River and Its Watershed - RESERVED

Section Env-Ws 386.64 Protection of the Purity of Lake Sunapee and Its Watershed

Section Env-Ws 386.65 RESERVED

Section Env-Ws 386.66 RESERVED

Section Env-Ws 386.67 Protection of the Purity of Connecticut River and Its Watershed - RESERVED

Section Env-Ws 386.68 Protection of the Purity of the Water of Fassett Brook Reservoir

Section Env-Ws 386.69 Protection of the Purity of Upper Beech Pond and Its Watershed

PART Env-Ws 386 RULES FOR PROTECTING THE PURITY OF REGULATED WATERSHEDS

Statutory Authority: RSA 485:23 and RSA 485:24

Env-Ws 386.01 Purpose. The purpose of this part is to recognize the importance of those surface water supplies that are used as sources of public water supply and to provide methods for reasonable watershed management so as to maintain high levels of water quality.

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300); ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8500, eff 11-30-05

Env-Ws 386.02 Applicability to Regulated Watersheds. This part shall apply only to the particular watershed identified in the introductory paragraph(s) of each section. The rules in Env-Ws 386.01 through Env-Ws 386.04 shall apply to Env-Ws 386.10 through Env-Ws 386.69.

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300); ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8500, eff 11-30-05

Env-Ws 386.03 Restriction of Activities Beyond The Setback From Streams and Shorelines.

(a) The rules in Env-Ws 386.10 through Env-Ws 386.69 shall also apply to restrict activity beyond the shoreline setback if the department determines that such activity would endanger water quality.

(b) The department shall consider the following factors when determining whether an activity beyond the shoreline setback would endanger water quality:

- (1) Type of contaminant;
- (2) Amount of contaminant generated by the activity;
- (3) Persistence of the contaminant;
- (4) Distance and topography between the contaminant locus and the water supply intake; and
- (5) Application of best management practices (BMPs) or best available treatment (BAT).

(c) If the department determines that, due to the type, amount, and persistence of the contaminant and the topography and distance between the activity that generates the contaminant and the water supply intake, the contaminant cannot be reduced to a safe level through the application of BMPs or BAT, the department shall issue a written notice advising the water supplier and the person undertaking the activity that the activity must be restricted to a specified distance from the water supply intake, with or without BMPs or BAT, so that the activity will not pose a threat to the water taken in by the water system.

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300); ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8500, eff 11-30-05

Env-Ws 386.04 Waivers.

(a) Any person may request a waiver of a prohibition in any given watershed.

(b) Each request for a waiver shall:

- (1) Be submitted to the department in writing;

- (2) Be signed by the applicant and by the owner of the affected property, if different from the applicant; and
 - (3) Contain the information specified in (d), below.
- (c) The signatures of the applicant and the affected land owner(s), if any, shall constitute a certification that the information provided is true, complete, and not misleading.
- (d) Each request for a waiver shall include the following information:
- (1) A description of the affected property, including town, street address, and tax map and lot number;
 - (2) A specific reference to the section and paragraph within the section for which a waiver is being sought;
 - (3) A full explanation of why a waiver is necessary and demonstration of hardship caused if the rule is adhered to;
 - (4) A full explanation of the alternatives that will be implemented if the waiver is granted, with backup supporting data; and
 - (5) A full explanation of how the granting of the waiver is consistent with the intent of RSA 485:23 and RSA 485:24 and would have a just result.
- (e) Upon receipt of a waiver request, the department shall inform the municipality in which the property is located and the affected water supplier in accordance with RSA 541-A:39.
- (f) The department shall grant a request for waiver upon finding that:
- (1) The proposal shall be at least equivalent to the specific requirement contained in the rule;
 - (2) If the proposal was not equivalent to the requirement contained in the rule, it shall be adequate to ensure that the intent of RSA 485:24 and RSA 485:25 is met; or
 - (3) Denial of the waiver request would result in loss of all economically beneficial or productive use of an existing property.
- (g) The department shall attach conditions to the approval of a waiver if such conditions are necessary to ensure that the intent of RSA 485:23 and RSA 485:24 is met to the greatest extent possible.
- (h) A written decision on a waiver request shall be sent to the applicant, the property owner, if other than the applicant, the municipality in which the property is located, and the affected water supplier. If the request is denied, the decision shall state the reason(s) for the denial.
- (i) If a waiver is granted, it shall be transferable with the affected property until the stated expiration date of the waiver, if any.

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300); ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8500, eff 11-30-05

Env-Ws 386.05 through Env-Ws 386.09 - RESERVED

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300)

Env-Ws 386.10 Protection of the Purity of Bradley Lake and Its Watershed.

(a) The purpose of this section is to protect the purity of the water of Bradley Lake, which is the principal public drinking water supply for the town of Andover.

(b) This section shall apply within the Bradley Lake watershed above the lake outlet which is located at approximate latitude 43°25' 00", longitude 71°49'22", in the towns of:

(1) Andover; and

(2) Salisbury.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with the provisions of RSA 485:24, the health officers and the boards of health of the towns of Andover and Salisbury and their duly authorized agents, and the board of water commissioners of the Andover Precinct and its duly authorized agents, may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the more stringent provision shall apply.

(f) Any deviations from this section shall be by written consent of the department in accordance with Env-Ws 386.04. The provisions of this section shall not apply to employees of the board of water commissioners engaged in the performance of necessary duties for the protection and control of said lake.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Bradley Lake watershed described in (b), above, shall be as follows:

(1) A person shall not build, continue or maintain a privy, pig-pen, stable, or other buildings or structure in which horses, cattle, swine or other animals or fowls are kept within 75 feet of Bradley Lake or within 75 feet of any inlet or tributary thereto;

(2) A person shall not permit urine, sink water, or water that has been used for washing or cleansing materials, persons or food, to run into said lake, or into any inlet thereof, or into any cesspool, septic tank or other excavation or onto the surface of any ground within 75 feet of said lake, meaning the high water mark;

(3) A person shall not deposit or throw a dead animal, or fish, or parts thereof, kitchen waste, garbage or refuse of any kind, nor manure of either human or animal origin, into said lake, nor shall they leave or permit such materials to remain within 75 feet thereof;

(4) A person shall not permit the activities or conditions described in (1), (2) and (3) above within the watershed area tributary to Bradley Lake even though beyond the minimum limit of 75 feet, if the purity of the water thereby shall be deemed by the department to be endangered in accordance with the criteria in Env-Ws 386.03;

(5) A person shall not permit sawdust to be thrown or allowed to fall into said lake or into any inlet thereto;

(6) A person shall not permit any domestic animals to enter said lake;

(7) A person shall not swim or bathe, nor shall a person fish in the waters of said lake south of a line drawn from a point on the easterly shore approximately 1700 feet north of the present water supply intake to the point on the westerly shore located by describing an angle of 90° from the true north direction; and

(8) A person shall not use seaplanes on said lake.

(h) The Andover Precinct shall post a summary of the prohibitions contained in (g) above at all public access locations where persons might reasonably be expected to access Bradley Lake or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300); ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8500, eff 11-30-05

Env-Ws 386.11 - RESERVED

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300); ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; rpld by #8500, eff 11-30-05

Env-Ws 386.12 Protection of the Purity of Swains Lake and Its Watershed. - RESERVED

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300)

Env-Ws 386.13 Protection of the Purity of Albany Brook and Its Watershed.

(a) The purpose of this section is to protect the purity of the water of Albany Brook which is the principal drinking water supply for Bartlett Village Precinct.

(b) This section shall apply within the Albany Brook watershed above the dam which is located at approximate latitude 44°03'37", longitude 71°17'36", in the towns of:

(1) Bartlett; and

(2) Albany.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with the provisions of RSA 485:24, the health officers and the boards of health of the towns of Bartlett and Albany and their duly authorized agents, and the board of water commissioners of the Bartlett Village Precinct and its duly authorized agents, may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the more stringent provision shall apply.

(f) Any deviations from this section shall be by written consent of the department in accordance with Env-Ws 386.04. The provisions of this section shall not apply to employees of the board of water commissioners engaged in the performance of necessary duties for the protection and control of said brook.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Albany Brook watershed described in (b), above, shall be as follows:

- (1) A person shall not build, continue or maintain a privy, pig-pen, stable, or other building or structures in which horses, cattle, swine or other animals or fowls are kept, within 75 feet of Albany Brook, meaning the high water mark, or within 75 feet of any stream tributary to said brook;
- (2) A person shall not allow sink water, urine, or water that has been used for washing or cleansing either materials, persons, or food, to run into said brook, or into any stream tributary thereto, or into any excavation or cesspool in the ground or on the surface of any ground within 75 feet of said brook, meaning high water mark, or within 75 feet of any stream tributary thereto;
- (3) A person shall not throw or deposit any dead animal, fish or parts thereof, or any food or any article perishable or decayable, or any dung either human or animal, kitchen waste, swill, or garbage into said brook, or leave or permit any such wastes to remain within 75 feet thereof meaning the high water mark, or into any brook, or into any stream tributary thereto, or within 75 feet of such stream or tributary;
- (4) A person shall not deposit or allow to fall any sawdust, shavings, apple pomace, or waste from mills or factories into said stream, or upon their banks so near as to be reachable by the high water level, or into any stream tributary thereto;
- (5) A person shall not bathe in said brook;
- (6) A person shall not fish in said brook;
- (7) A person shall not allow any of the structures or conditions described in (1), (2), (3), and (4) above, beyond the minimum limit of 75 feet, if the purity of the water thereby shall be deemed by the department in accordance with Env-Ws 386.03 to be endangered; and
- (8) A person shall not throw, deposit or allow to remain upon the ice of the waters of said brook or any stream tributary thereto, any matter, waste, or materials such as are described in (2), (3), and (4) above.

(h) The Bartlett Village precinct shall post a summary of the prohibitions contained in (g) above at public access locations where persons might reasonably be expected to access Albany Brook or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300); ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8500, eff 11-30-05

Env-Ws 386.14 Protection of the Purity of the Upper Ammonoosuc River Godfrey Dam and Its Watershed.

(a) The purpose of this section is to protect the purity of the water of the Upper Ammonoosuc River which is a principal drinking water supply for the city of Berlin.

(b) This section shall apply within the Ammonoosuc River watershed above the Godfrey Dam which is located at approximate latitude 44° 29'03", longitude 71°19'14", in the:

- (1) City of Berlin;

(2) Town of Kilkenney; and

(3) Town of Randolph.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with the provisions of RSA 485:24, the health officers and the boards of health of the city of Berlin and the towns of Kilkenney and Randolph and their duly authorized agents, and the board of water commissioners of the city of Berlin and its duly authorized agents, may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the more stringent provision shall apply.

(f) Any deviations from this section shall be by written consent of the department in accordance with Env-Ws 386.04. The provisions of this section shall not apply to employees of the board of water commissioners engaged in the performance of necessary duties for the protection and control of the Godfrey Dam impoundment.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Godfrey Dam watershed described in (b), above, shall be as follows:

(1) A person shall not build, continue, or maintain a privy, pig-pen, stable, or other building or structures in which horses, cattle, swine or other animals or fowls are kept, within 75 feet of the high water mark, or within 75 feet of any bay, cove, or inlet thereto, or within 75 feet of any stream tributary to said impoundment;

(2) A person shall not allow sink water, urine, or water that has been used for washing or cleansing either materials, persons, or food, to run into said reservoir, or into any bay, cove, or inlet thereof, or into any stream tributary thereto, or into any excavation or cesspool in the ground or on the surface of any ground within 75 feet of said reservoir, meaning the high water mark, or of any bay, cove, or inlet, or within 75 feet of any stream tributary thereto;

(3) A person shall not throw or deposit any dead animal, or fish, or parts thereof, or food, or any article perishable or decayable, or any dung either human or animal, kitchen waste, swill, or garbage into said reservoir, or leave or permit any such wastes to remain within 75 feet of the high water mark, or into any bay, cove, or inlet of said reservoir, or into any stream tributary thereto, or within 75 feet of such bay, cove, or inlet, stream or tributary;

(4) A person shall not deposit or allow sawdust, shavings, apple pomace, or waste from mills or factories to fall into said reservoir, or upon their banks so near as to be reachable by the high water level, or into any stream tributary thereto;

(5) A person shall not bathe in said reservoir;

(6) A person shall not allow structures or conditions described in (1), (2), (3) and (4) above, beyond the minimum limit of 75 feet, if the purity thereby of the water shall be deemed by the department in accordance with Env-Ws 386.03 to be endangered;

(7) A person shall not throw, deposit or allow to remain upon the ice of the waters of said reservoir, or of any bay, cove, or inlet thereof, or of any stream tributary thereto, any waste or materials such as described in (2), (3) and (4) above; and

(8) A person shall not use seaplanes on said reservoir.

(h) The city of Berlin shall post a summary of the prohibitions contained in (g) above at all public access locations where persons might reasonably be expected to access the upper Ammonoosuc River or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300); ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8500, eff 11-30-05

Env-Ws 386.15 Protection of the Purity of the Androscoggin River and Its Watershed. - RESERVED

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300)

Env-Ws 386.16 Protection of the Purity of Gale River and Its Watershed. - RESERVED

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300)

Env-Ws 386.17 Protection of the Purity of Zealand River and Its Watershed. - RESERVED

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300)

Env-Ws 386.18 Protection of the Purity of Canaan Street Lake and Its Watershed.

(a) The purpose of this section is to protect the purity of the water of Canaan Street Lake which is the principal drinking water supply for the town of Canaan.

(b) This section shall apply within the Canaan Street Lake watershed above the outlet dam which is located at approximate latitude 43°40'33", longitude 72°02'35", in the town of Canaan.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with the provisions of RSA 485:24, the health officer, the board of health, and the board of water commissioners of the town of Canaan and their duly authorized agents may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the more stringent provision shall apply.

(f) Any deviations from this section shall be by written consent of the department in accordance with Env-Ws 386.04. The provisions of this section shall not apply to employees of the board of water commissioners engaged in the performance of necessary duties for the protection and control of said lake.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Canaan Street Lake watershed described in (b), above shall be as follows:

(1) A person shall not build, continue or maintain a building or structure of any kind in which animals or fowl are kept, within 75 feet of Canaan Street Lake or within 75 feet of any inlet or tributary thereto;

(2) A person shall not permit wastes, or waters that have been used for washing or cleansing either materials, persons, or food, to run into said lake, or into any inlet or tributary thereto;

- (3) A person shall not throw or deposit any dead animal, fish, or parts thereof, or any food or article perishable or decayable, or any dung either human or animal, into said lake, or permit any above wastes to remain within 75 feet of any inlet or tributary thereto, or on the ground surface within 75 feet of any inlet tributary thereto;
- (4) A person shall not throw any sawdust or allow any sawdust to fall into said lake, or into any inlet or tributary thereto;
- (5) A person shall not trespass, boat, bathe, swim, fish or carry on any activity whatever whether of recreational, occupational or other nature, in the waters or on the ice of Canaan Street Lake, south of a line about 1,200 feet northwest of the lake's southern most part, beginning at a point on the westerly shore at the center line of the road which exists adjacent to the present property line between the properties identified on tax map I-D as lots 38B and 39D, and extending across said lake to the stone jetty on the easterly shore on the property identified on tax map I-D as lot 56-1. The 2 extremities of such a line shall be properly marked by the local water works authority so that they can be readily identified and observed by the general public; and
- (6) A person shall not throw, deposit or allow to remain upon the ice of the waters of said lake, or upon that of any inlet or stream tributary thereto, any matter, waste, or materials such as are described in (2), (3) and (4) above.
- (h) The town of Canaan shall post a summary of the prohibitions contained in (g) above at all public access locations where persons might reasonably be expected to access Canaan Street Lake or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300); ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8500, eff 11-30-05

Env-Ws 386.19 Protection of the Purity of Whitewater Brook, Rice Reservoir and Dole Reservoir and Their Watersheds.

- (a) The purpose of this section is to protect the purity of the water of Whitewater Brook and reservoir, Rice Reservoir and watershed and Dole Reservoir and watershed, which are principal drinking water supplies for the city of Claremont.
- (b) This section shall apply within:
- (1) The Whitewater Brook watershed above the Whitewater dam which is located at approximate latitude 43°25'24", longitude 72°18'42", in the city of Claremont and towns of Cornish and Croydon;
 - (2) The Rice Reservoir watershed above the Rice dam which is located at approximate latitude 43°25'08", longitude 72°19'42", in the city of Claremont; and
 - (3) The Dole Reservoir watershed above the Dole dam which is located at approximate latitude 43°23'21", longitude 72°19'56", in the city of Claremont.
- (c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with the provisions of RSA 485:24, the health officers and the boards of health of the city of Claremont and the towns of Cornish and Croydon and their duly authorized agents, and the board of water commissioners of the city of Claremont and its duly authorized agents, may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the more stringent provision shall apply.

(f) Any deviations from this section shall be by written consent of the department in accordance with Env-Ws 386.04. The provisions of this section shall not apply to employees of the board of water commissioners engaged in the performance of necessary duties for the protection and control of said brook and reservoirs.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Whitewater Brook, Rice Reservoir and Dole Reservoir watersheds described in (b), above shall be as follows:

(1) A person shall not build, continue or maintain a structure of any kind in which animals or fowl are kept, within 75 feet of any inlet or tributary thereto;

(2) A person shall not allow wastes or waters that have been used for washing or cleansing either material, person or food to run into said brook and reservoirs or any inlet or tributary thereof;

(3) A person shall not throw or deposit any dead animal, fish or parts thereof, or food or any article perishable or decayable or any excreta, either human or animal, into said brook and reservoirs, or leave or permit above wastes to remain on the surface of the ground within 75 feet thereof or into any inlet or tributary thereto or on the ground surface within 75 feet of any inlet or tributary;

(4) A person shall not throw any sawdust or allow any sawdust to fall into said brook and reservoirs or any inlet or tributary thereto;

(5) A person shall not trespass, boat, bathe, swim, fish or carry on any activity whatever whether of recreational, occupational, or other nature, in the waters or on the ice of Whitewater Brook Reservoir and Intake Reservoir located on Whitewater Brook; and

(6) A person shall not throw, deposit or allow to remain upon the ice of the waters of said brook and reservoirs or upon that of any inlet or stream tributary thereto, any matter, waste or materials such as are described in (2), (3), and (4) above.

(h) The city of Claremont shall post a summary of the prohibitions contained in (g) above at all public access locations where persons might reasonably be expected to access Whitewater, Rice or Dole reservoirs or their watersheds or tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300); ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8500, eff 11-30-05

Env-Ws 386.20 Protection of the Purity of Sugar River and Its Watershed. - RESERVED

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300); ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05

Env-Ws 386.21 Protection of the Purity of Penacook Pond and Its Watershed.

(a) The purpose of this section is to protect the purity of the water of Penacook Pond which is a principal drinking water supply for the city of Concord.

(b) This section shall apply within the Penacook Pond watershed above the outlet dam which is at approximately latitude 43°14'36", longitude 71°34'41", in the city of Concord.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with the provisions of RSA 485:24, the health officer, the board of health, and the board of water commissioners of the city of Concord and their duly authorized agents may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the more stringent provision shall apply.

(f) Any deviations from this section shall be by written consent of the department in accordance with Env-Ws 386.04. The provisions of this section shall not apply to employees of the city of Concord or board of water commissioners engaged in the performance of necessary duties for the protection and control of said pond.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Penacook Pond watershed described in (b), above shall be as follows:

(1) A person shall not build, continue or maintain any cesspool, privy, or other place for the reception, deposit or storage of human excrement, any urinal or water-closet not discharging into a sewer, any pig-pen, stable, or other building or structure in which horses, cattle, swine, other animals, or fowls are kept, within 200 feet of the high water mark of Penacook Pond, meaning to include that part of the same sometimes called Forge Pond, or stream, or tributary to said lake, bays, coves, or inlets except upon the approval of the department in accordance with Env-Ws 386.04;

(2) A person shall not locate, construct, build or maintain any stable, building or other place as above enumerated, within 200 feet of the high water mark of Penacook Pond, or within 200 feet of any open water flowing as aforesaid into said pond unless suitable or adequate provisions is made to prevent manure or other polluting matter from flowing or being washed into said pond or such open water;

(3) A person shall not run sink drainage, urine, or water that has been used for washing or cleansing either persons or materials into said pond, or into any bay, cove, or inlet thereof, or into any stream tributary thereto, or into any excavation or cesspool in the ground or on the surface of any ground within 200 feet of any stream tributary thereto;

(4) A person shall not throw or deposit any dead animal, or fish or parts thereof or food, or any article perishable or decayable or any excrement, either human or animal, kitchen waste, swill, or garbage, into said pond or leave or permit any of the above wastes to remain, within 200 feet of the high water mark thereof, or into any bay, cove, or inlet of said lake, or into any stream tributary thereto, or within 200 feet of such bay, inlet or stream;

- (5) A person shall not allow any human excrement to be kept in, or deposited or discharged into any cesspool, privy or other receptacle situated within 200 feet of the high water mark of said pond, or within 200 feet of any open waters which flow directly or ultimately into said pond;
- (6) A person shall not throw sawdust, or allow sawdust to fall into said pond or into any stream tributary thereto;
- (7) A person shall not bathe or swim in said pond, nor shall any person build, continue or maintain any swimming pool, or other contrivance of any nature for public or private bathing whose waters do not discharge into a sewer or cesspool constructed as approved or required by the board of health of the city of Concord, within 200 feet of the high water mark of said pond;
- (8) A person shall not throw, or allow to remain upon the ice of the water of said pond, or upon that of any bay, cove, or inlet thereof, or of any stream tributary thereto, any matter, waste or materials described in (3), (4), (5) and 6 above;
- (9) A person shall not drive, guide or speed any cattle, horses, or other animals used for teaming, driving, or speeding, upon the ice of said pond;
- (10) A person shall not construct or maintain a system of sewers or other works for the collection, conveyance, disposal, or purification of sewage or drainage, or any other putrescible matter whatsoever, except in accordance with plans first approved in writing by the department pursuant to RSA 485-A, at any place within the drainage area of said pond. A person shall not construct or maintain any private or separate sewer having an outlet upon or into the ground within 200 feet of the high water mark of any reservoir, lake, pond, stream, ditch, watercourse or other open waters, the water of which flows or drains into said pond;
- (11) A person shall not locate or construct a public or private hospital, or other place intended for the reception or treatment of the sick, at any place within the drainage area of said pond, until the location or construction thereof has been approved in writing by the department in accordance with Env-Ws 386.04;
- (12) A person shall not permit any sewage, garbage, manure, or putrescent matter, whatsoever, in any place or locality from which the seepage, drainage, or runoff may endanger the purity of the water of the said pond or its tributaries; and
- (13) A person shall not permit the condition or practice of whatever kind that may endanger the purity of the waters of said pond or its tributaries.
- (h) The city of Concord shall post a summary of the prohibitions contained in (g) above at all public access locations where persons might reasonably be expected to access Penacook Pond or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300); ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8500, eff 11-30-05

Env-Ws 386.22 Protection of the Purity of Contoocook River and Its Watershed. - RESERVED

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300)

Env-Ws 386.23 Protection of the Purity of Oyster River and Its Watershed. - RESERVED

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300)

Env-Ws 386.24 Protection of the Purity of Lamprey River and Its Watershed. - RESERVED

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-W23-s 300)

Env-Ws 386.25 Protection of the Purity of Dearborn Brook and Its Watershed. - RESERVED

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300)

Env-Ws 386.26 Protection of the Purity of Exeter River and Its Watershed. - RESERVED

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300)

Env-Ws 386.27 Protection of the Purity of Whittle Brook and Goffstown Reservoir and Their Watershed.

(a) The purpose of this section is to protect the purity of the water of Whittle Brook and Goffstown Reservoir which is a principal drinking water supply for the Goffstown Village Precinct.

(b) This section shall apply within the Whittle Brook watershed above the dam which is located at approximate latitude 42°59'47", longitude 71°35'44", in the town of Goffstown.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with the provisions of RSA 485:24, the health officer and the board of health of the town of Goffstown and their duly authorized agents, and the board of water commissioners of the Goffstown Village Precinct and its duly authorized agents, may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the more stringent provision shall apply.

(f) Any deviations from this section shall be by written consent of the department in accordance with Env-Ws 386.04. The provisions of this section shall not apply to employees of the board of water commissioners engaged in the performance of necessary duties for the protection and control of said brook and reservoir.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Whittle Brook and Goffstown Reservoir watershed described in (b), above, shall be as follows:

(1) A person shall not build, continue or maintain any privy, pig-pen, stable, or other building or structures in which horses, cattle, swine or other animals or fowls are kept, within 75 feet of the high water mark, or within 75 feet of any bay, cove, or inlet thereto, or within 75 feet of any stream tributary to said brook or reservoir, bays, coves or inlets;

(2) A person shall not run sink water, urine, or water that has been used for washing or cleansing either materials, persons, or food, into said brook or reservoir, or into any bay,

cove, or inlet thereof, or into any stream tributary thereto, or into any excavation or cesspool in the ground or on the surface of any ground within 75 feet of said brook or reservoir meaning the high water mark, or of any bay, cove, or inlet, or within 75 feet of any stream's tributary thereto;

(3) A person shall not throw or deposit any dead animal, or fish, or parts thereof, or food, or any article perishable or decayable, or any dung either human or animal, kitchen waste, swill, or garbage into said brook or reservoir, or leave or permit any of the above wastes to remain within 75 feet of the high water mark, or into any bay, cove, or inlet of said brook or reservoir, or into any stream tributary thereto, or within 75 feet of such bay, cove, or inlet, stream or tributary;

(4) A person shall not deposit or allow to fall into said brook or reservoir, or upon their banks so near as to be reachable by the high water level, or into any stream tributary thereto, any sawdust, shavings, apple pomace, or waste from mills or factories;

(5) A person shall not be permitted to bathe in said brook or reservoir;

(6) A person shall not be permitted to fish on said brook or reservoir;

(7) A person shall not allow any of the structures or conditions described in (2), (3), and (4) above, beyond the minimum limit of 75 feet, if the purity of the water shall thereby be deemed by the department in accordance with Env-Ws 386.03 to be endangered;

(8) A person shall not allow any matter, waste, or materials such as are described in (2), (3), and (4) above to be thrown, deposited, or allowed to remain upon the ice of the waters of said brook or reservoir, or upon that of any bay, cove, or inlet thereof, or of any stream tributary thereto; and

(9) A person shall not use a seaplane on said brook or reservoir.

(h) The Goffstown Village Precinct shall post a summary of the prohibitions contained in (g) above at all public access locations where persons might reasonably be expected to access Whittle brook or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300); ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8500, eff 11-30-05

Env-Ws 386.28 Protection of the Purity of Icy Gulch and Its Watershed. - RESERVED

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300)

Env-Ws 386.29 Protection of the Purity of Perkins Brook Watershed. - RESERVED

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300)

Env-Ws 386.30 Protection of the Purity of Tobey Reservoir and Its Watershed.

(a) The purpose of this section is to protect the purity of the water of the Tobey Reservoir which is the principal drinking water supply for the town of Greenville.

(b) This section shall apply within the Tobey Reservoir watershed above the dam located at approximate latitude 42°48'08", longitude 71°50'13", in the towns of:

(1) New Ipswich; and

(2) Temple.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with the provisions of RSA 485:24, the health officers and the boards of health of the towns of New Ipswich and Temple and their duly authorized agents, and the board of water commissioners of the town of Greenville and its duly authorized agents, may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the more stringent provision shall apply.

(f) Any deviations from this section shall be by written consent of the department in accordance with Env-Ws 386.04. The provisions of this section shall not apply to employees of the board of water commissioners engaged in the performance of necessary duties for the protection and control of said reservoir nor shall said restrictions apply to employees of New Hampshire's fish and game department engaged in the removal of stock fish from the reservoir under conditions approved by that agency.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Tobey Reservoir watershed described in (b), above, shall be as follows:

(1) A person shall not build, continue or maintain any structure of any kind in which animals or fowls are kept, within 75 feet of Tobey Reservoir or within 75 feet of any inlet or tributary thereto except in such cases as the local board of health may allow, upon the approval of the department in accordance with Env-Ws 386.04, and under such rules as it may require;

(2) A person shall not discharge sewage waste water as defined in RSA 485-A, treated or otherwise into said reservoir or any inlet or tributary thereto;

(3) A person shall not throw or deposit dead animals, fish, or parts thereof, food, or any article perishable or decayable, any excreta either human or animal, into said reservoir, or leave or permit any such wastes to remain on the surface of the ground within 75 feet thereof, or into any inlet or tributary thereto, or on the ground surface within 75 feet of such bay, cove, inlet, stream or tributary;

(4) A person shall not bathe or swim in said reservoir or any inlet or tributary thereto;

(5) A person shall not use boats propelled by means of inboard or outboard motors on the waters of said reservoir;

(6) A person shall be prohibited from all activity whether of recreational, occupational or other nature, in or on the waters of said reservoir and its tributaries;

(7) A person shall not throw, deposit or allow to remain upon the ice of the waters of said reservoir or upon the ice of any inlet or stream tributary thereto, any sewage or waste as defined in (2) above; and

(8) A person shall not use a seaplane on any portion of the said reservoir.

(h) The town of Greenville shall post a summary of the prohibitions contained in (g) above at all public access locations where persons might reasonably be expected to access the Tobey Reservoir or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300); ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8500, eff 11-30-05

Env-Ws 386.31 Protection of the Purity of Juggernaut Pond and Its Watershed. - RESERVED

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300)

Env-Ws 386.32 Protection of the Purity of Camp Brook Including the Upper and Lower Hanover Reservoirs and Hanover Center Reservoir and their Watersheds.

(a) The purpose of this section is to protect the purity of the water of Camp Brook, the Upper and Lower Hanover Reservoir and Hanover Center Reservoir which is the principal drinking water supply for the town of Hanover.

(b) This section shall apply within:

(1) The Camp Brook watershed above the dam which is located at approximate latitude 43°43'11", longitude 72°14'57", in the town of Hanover and

(2) The Hanover Center watershed above the dam which is located at approximate latitude 43°42'53", longitude 72°14'15", in the town of Hanover.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with the provisions of RSA 485:24, the health officer and the board of health of the town of Hanover and their duly authorized agents may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the more stringent provision shall apply.

(f) Any deviations from this section shall be by written consent of the department in accordance with Env-Ws 386.04. The provisions of this section shall not apply to employees of the board of water commissioners engaged in the performance of necessary duties for the protection and control of said brook and reservoirs.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Camp Brook, Upper and Lower Hanover Reservoirs, and Hanover Center Reservoir watersheds described in (b), above, shall be as follows:

(1) A person shall not build, continue or maintain any building or structure of any kind in which animals or fowls are kept, within 75 feet of Camp Brook, the Upper and Lower Hanover Reservoirs and the Hanover Center Reservoir in the town of Hanover or within 75 feet of any inlet thereto, or within 75 feet of any stream tributary to said brook and reservoirs;

(2) A person shall not be permitted to run any sewage, wastes or waters that has been used for washing or cleansing either materials, persons, or food, into said reservoirs and brook or any inlet or tributary thereto;

(3) A person shall not throw, or deposit any dead animal or fish or parts thereof, or food or any article perishable or decayable or any excreta, either human or animal, into said reservoirs and brook, or leave or permit any such wastes to remain on the surface of ground within 75 feet of any inlet or tributary thereto;

(4) A person shall not throw any sawdust or allow any sawdust to fall, into said reservoirs and brook or into any inlet or tributary thereto;

(5) A person shall not boat, bathe, swim, fish or carry on any activity of a recreational, occupational, or other nature, in the waters or on the ice of Camp Brook, the Upper and Lower Hanover Reservoirs, and the Hanover Center Reservoir, or tributaries thereto; and

(6) A person shall not throw, deposit, or allow to remain upon the ice of the waters of said reservoirs and brook or upon that of any inlet or tributary thereto upstream of the water works intake, any matter, waste, or materials such as are described in (2), (3), and (4) above.

(h) The Hanover water company shall post a summary of the prohibitions contained in (g) above at all public access locations where persons might reasonably be expected to access Camp Brook, the Upper and Lower Hanover Reservoirs and the Hanover Center Reservoir or their tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300); ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8500, eff 11-30-05

Env-Ws 386.33 Protection of the Purity of Ammonoosuc River and Its Watershed. - RESERVED

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300)

Env-Ws 386.34 Protection of the Purity of Loon Lake and Its Watershed.

(a) The purpose of this section is to protect the purity of the water of Loon Lake which is the principal drinking water supply for the town of Hillsborough.

(b) This section shall apply within the Loon Lake watershed above the dam which is located at approximate latitude 43°09'07", longitude 71°56'39", in the town of Hillsborough.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with the provisions of RSA 485:24, the health officer, the board of health, and the board of water commissioners of the town of Hillsborough and their duly authorized agents may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the more stringent provision shall apply.

(f) Any deviations from this section shall be by written consent of the department in accordance with Env-Ws 386.04. The provisions of this section shall not apply to employees of the board of water commissioners engaged in the performance of necessary duties for the protection and control of said lake.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Loon Lake watershed described in (b), above, shall be as follows:

- (1) A person shall not build, continue, or maintain any privy, pig-pen, stable, or other building or structure in which horses, cattle, swine or other animals or fowls are kept, within 75 feet of Loon Lake, meaning the high water mark, or within 75 feet of any bay, cove, or inlet thereto, or within 75 feet of any stream tributary to said lake, bays, coves or inlets;
- (2) A person shall not run any sink water, urine, or water that has been used for washing or cleansing either materials, persons, or food, into said lake, or into any bay, cove, or inlet thereof, or into any stream tributary thereto, or into any excavation or cesspool in the ground or on the surface of any ground within 75 feet of said lake's high water mark, or of any bay, cove, or inlet, or within 75 feet of any stream tributary thereto;
- (3) A person shall not throw or deposit any dead animal, fish, or parts thereof, or food, or any article perishable or decayable, dung either human or animal, kitchen waste, swill, or garbage into said lake, or leave or permit any such wastes to remain within 75 feet of the high water mark, or into any bay, cove, or inlet of said lake, or into any stream tributary thereto, or within 75 feet of such bay, cove, or inlet, stream or tributary;
- (4) A person shall not bathe in Loon Lake within 1/4 mile of the point where water is taken for public supply, or elsewhere in said lake, provided notice to that effect is issued by the board of water commissioners or the board of health;
- (5) A person shall not deposit any sewage on the surface of the ground, allow any cesspool or privy vault to overflow, and shall not permit to exist any of the things, materials or conditions mentioned in the foregoing rule, nor anything else that might endanger the purity of said water supply, whatever may be their distance from said lake, in such locality or manner as in the opinion of the board of health or of the board of water commissioners, would be liable to contaminate the water of the said lake, in accordance with Env-Ws 386.03; and
- (6) A person shall not use a seaplane on Loon Lake.

(h) The town of Hillsborough shall post a summary of the prohibitions contained in (g) above at all public access locations where persons might reasonably be expected to access Loon Lake or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300); ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8500, eff 11-30-05

Env-Ws 386.35 Protection of the Purity of Bear Pond and Its Watershed.

(a) The purpose of this section is to protect the purity of the water of Bear Pond which is the principal drinking water supply for the Contoocook Village Precinct in the town of Hopkinton.

(b) This section shall apply within the Bear Pond watershed above the dam which is located at approximate latitude 43°13'52", longitude 71°48'02", in the town of Warner.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with the provisions of RSA 485:24, the health officer and the board of health of the town of Warner and their duly authorized agents, and the board of water commissioners of the Contoocook Village Precinct and its duly authorized agents, may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the more stringent provision shall apply.

(f) Any deviations from this section shall be by written consent of the department, in accordance with Env-Ws 386.04. The provisions of this section shall not apply to employees of the board of water commissioners engaged in the performance of necessary duties for the protection and control of said pond.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Bear Pond watershed described in (b), above, shall be as follows:

(1) A person shall not build, continue or maintain any building or structure of any kind in which animals or fowl are kept, within 75 feet of Bear Pond or within 75 feet of any inlet or tributary thereto;

(2) A person shall not permit any wastes or waters that has been used for washing or cleansing either materials, persons, food, to run into said pond, or into any inlet or tributary thereof;

(3) A person shall not throw into or deposit in said pond any dead animal, fish or parts thereof, food, or any article perishable or decayable, or any excreta either human or animal, or leave or permit any such wastes to remain on the surface of the ground within 75 feet thereof or into any inlet or tributary;

(4) A person shall not throw any sawdust, or allow any sawdust to fall, into said pond or into any inlet or tributary thereto;

(5) A person shall not trespass, bathe, boat, fish, or conduct any activity whatever whether of a recreational, occupational or other nature in or on the water of Bear Pond and its tributaries;

(6) A person shall not throw, deposit, or allow to remain upon the ice of the waters of said pond, or upon that of any inlet thereof, or of any stream tributary thereto, any matter, waste, or materials such as are described in (2), (3) and (4) above; and

(7) A person shall not use a seaplane on Bear Pond.

(h) The Contoocook Village Precinct shall post a summary of the prohibitions contained in (g) above at all public access locations where persons might reasonably be expected to access Bear Pond or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300); ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8500, eff 11-30-05

Env-Ws 386.36 Protection of the Purity of Woodward Pond, Roaring Brook, Babbidge Reservoir and Their Watershed.

(a) The purpose of this section is to protect the purity of the water of Woodward Pond, Roaring Brook, and Babbidge Reservoir which is the principal drinking water supply for the city of Keene.

(b) This section shall apply within the Woodward Pond, Roaring Brook, and Babbidge Reservoir watershed above the dam that is located at approximate latitude 42°56'02", longitude 72°13'15", in the towns of:

- (1) Harrisville;
- (2) Marlborough;
- (3) Nelson; and
- (4) Roxbury.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with the provisions of RSA 485:24, the health officers and the boards of health of the towns of Harrisville, Marlborough, Nelson, and Roxbury and their duly authorized agents, and the city council of the city of Keene and its duly authorized agents, may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the more stringent provision shall apply.

(f) Any deviations from this section shall be by written consent of the department, in accordance with Env-Ws 386.04. The provisions of this section shall not apply to employees of the city of Keene engaged in the performance of necessary duties for the protection and control of said waters.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Woodward Pond, Roaring Brook, and Babbidge Reservoir watershed described in (b), above, shall be as follows:

- (1) A person shall not build, continue or maintain any buildings or structures of any kind in which humans reside or in which animals or fowl are kept, within 75 feet, of the high water mark of Woodward Pond, Roaring Brook, Babbidge Reservoir, or within 75 feet of any stream tributary thereto;
- (2) A person shall not permit any wastes or water that has been used for either washing or cleansing of materials, persons, or food to run into said pond, brook, or reservoir or into any inlet or tributary thereto;
- (3) A person shall not throw or deposit any dead animal, fish or parts thereof, food or any article perishable or decayable, or any excreta either human or animal, into said pond, brook, or reservoir, or leave or permit any such wastes to remain on the surface of the ground where there is any likelihood of wash or contamination therefrom reaching said pond, brook or reservoir or any inlet or tributary thereto;
- (4) A person shall not throw any sawdust, or allow any sawdust to fall, into said pond, brook, or reservoir or into any inlet or tributary thereto;
- (5) A person shall not boat, bathe, swim, trap, fish, hunt, camp, park trailers or carry on any activity of a recreational or other nature, including but not limited to lumber operations in or near the waters of said pond, brook, or reservoir and, above the reservoir dams and the streams tributary thereto; and

(6) A person shall not throw, deposit or allow to remain upon the ice of the waters of said pond, brook, or reservoir, or upon that of any inlet thereof, or of any stream tributary thereto, any matter, waste, or materials such as are described in (2), (3) and (4) above.

(h) The city of Keene shall post a summary of the prohibitions contained in (g) above at all public access locations where persons might reasonably be expected to access Woodward Pond, Roaring Brook, Babbidge Reservoir and their tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300); ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8500, eff 11-30-05

Env-Ws 386.37 Protection of the Purity of Lake Winnepesaukee and Paugus Bay.

(a) The purpose of this section is to protect the purity of the water of Lake Winnepesaukee and Paugus Bay which is the principal drinking water supply for the city of Laconia.

(b) This section shall apply as specified in (g) and (h), below.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with the provisions of RSA 485:24, the health officer, the board of health, and the board of water commissioners of the city of Laconia and their duly authorized agents as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the more stringent provision shall apply.

(f) Any deviations from this section shall be by written consent of the department, in accordance with Env-Ws 386.04. The provisions of this section shall not apply to employees of the board of water commissioners engaged in the performance of necessary duties for the protection and control of said lake or bay.

(g) A person shall not discharge any sewage, industrial waste or other wastes, as defined in RSA 485-A into the waters, upon the ice, or upon the shores of Lake Winnepesaukee and Paugus Bay except by written permission of the department pursuant to RSA 485-A and then only in accordance with such terms and conditions as may be prescribed by the department.

(h) The prohibitions specified in (i) below shall apply within the area of Paugus Bay starting at a point on the eastern shore of Paugus Bay, where the northern point of the property identified on tax map 349, street/block 220, lot 1 abuts the southerly end of the property identified on tax map 346, street/block 220, lot 1, specifically where the granite post resides in Paugus Bay; thence running in a westerly direction toward a bound on the westerly side of Paugus Bay at a point where the State of New Hampshire railroad bridge meets the shore identified on tax map 345, street/block 195, lot 39; thence running northerly along the shore to a point on the westerly side of Paugus Bay known as Cass' Point, identified on tax map 328, street/block 6, lot 22, specifically, where the 4-foot x 8-foot sign, installed by the Laconia water works, reads: "RESTRICTED AREA - WATER SUPPLY", thence running in an easterly direction in an imaginary line across Paugus Bay to a point where the southerly end of the property identified on tax map 324, street/block 220, lot 3 abuts the northern point of the property identified on tax map 324, street/block 220, lot 2, marked by a rebar in the water; then running in a southerly direction along the shore of Paugus Bay to the point of beginning.

(i) A person shall not:

- (1) Wash boats, bathe, swim, water ski, or have any body contact within the area described in (h) above;
- (2) Construct any docking facilities for boats or buildings along the shore in the area described in (h) above, except with a specific permit of the Laconia water works and appropriate state agencies; or
- (3) Fish from a bob house located upon the ice of Paugus Bay within said area.

(j) The area described in (h) above shall be used for navigational purposes only.

(k) The city of Laconia shall post a summary of the prohibitions contained in (g), (i), and (j) above at all locations where persons might reasonably be expected to access Paugus Bay or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300); ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8500, eff 11-30-05

Env-Ws 386.38 Protection of the Purity of Garland Brook and Its Watershed.

(a) The purpose of this section is to protect the purity of the water of Garland Brook which is the principal drinking water supply for the town of Lancaster.

(b) This section shall apply within the Garland Brook watershed above the dam which is located at approximate latitude 44°28'6", longitude 71°27'47", in the towns of:

- (1) Jefferson;
- (2) Kilkenney; and
- (3) Lancaster.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with the provisions of RSA 485:24, the health officers of the towns of Jefferson, Kilkenney, and Lancaster and their duly authorized agents, and the board of water commissioners of the town of Lancaster and its duly authorized agents, may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the more stringent provision shall apply.

(f) Any deviations from this section shall be by written consent of the department, in accordance with Env-Ws 386.04. The provisions of this section shall not apply to employees of the board of water commissioners engaged in the performance of necessary duties for the protection and control of said stream.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Garland Brook watershed described in (b), above, shall be as follows:

- (1) A person shall not build, continue or maintain any privy, pig-pen, stable, or other building or structures in which horses, cattle, swine or other animals or fowls are kept, within 75 feet of the high water mark, or within 75 feet of any bay, cove, or inlet thereto, or within 75 feet of any stream tributary to said brook;
 - (2) A person shall not run any sink water, urine, or water that has been used for washing or cleansing either materials, persons, or food, into said brook, or into any bay, cove, or inlet thereof, or into any stream tributary thereto, or into any excavation or cesspool in the ground or on the surface of any ground within 75 feet of said brook meaning high water mark, or of any bay, cove, or inlet, or within 75 feet of any stream tributary thereto;
 - (3) A person shall not throw or deposit any dead animal, fish, parts thereof, food, or any article perishable or decayable, or any excreta, either human or animal, kitchen waste, swill, or garbage into said brook, or leave or permit any such wastes to remain within 75 feet of the high water mark, or into any bay, cove, or inlet of said brook, or into any stream tributary thereto, or within 75 feet of such bay, cove, inlet, stream or tributary;
 - (4) A person shall not deposit any sawdust, shavings, apple pomace, or waste from mills or factories, or allow any such wastes to fall into said brook or upon their banks so near as to be reachable by the high water level, or into any stream tributary thereto;
 - (5) A person shall not bathe in said brook;
 - (6) A person shall not fish on said brook;
 - (7) A person shall not permit any of the structures or conditions described in (1), (2), (3) and (4) above beyond the minimum limit of 75 feet, if the purity of the water thereby shall be deemed by the department in accordance with Env-Ws 386.03 to be endangered;
 - (8) A person shall not throw, deposit or allow to remain upon the ice of the waters of said brook, or upon that of any bay, cove, or inlet thereof, or of any stream tributary thereto, any matter, waste, or materials such as are described in (2), (3), and (4) above; and
 - (9) A person shall not use any seaplanes on the Garland Brook watershed.
- (h) The town of Lancaster shall post a summary of the prohibitions contained in (g) above at all public access locations where persons might reasonably be expected to access Garland Brook or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300); ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8500, eff 11-30-05

Env-Ws 386.39 Protection of the Purity of Mascoma River and Its Watershed. - RESERVED

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300)

Env-Ws 386.40 through Env-Ws 386.42 RESERVED

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300)

Env-Ws 386.43 Protection of the Purity of Loon Pond and Loon Reservoir and Its Watershed. - RESERVED

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300)

Env-Ws 386.44 Protection of the Purity of the East Branch of the Pemigewasset River and Its Watershed. - RESERVED

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300)

Env-Ws 386.45 Protection of the Purity of the Water of the North Branch of the Gale River.

(a) The purpose of this section is to protect the purity of the water of the North Branch of the Gale River, the principal drinking water supply for the town of Littleton.

(b) This section shall apply within the North Branch of the Gale River watershed above the North Branch dam which is located at approximate latitude 44°14'17", longitude 71°37'13", in the town of Bethlehem.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) Land within the North Branch of the Gale River watershed which is within the U.S. National Forest system shall be subject to the terms of the "Memorandum of Understanding" between the U.S. Department of Agriculture, Forest Service and the Littleton Water and Light Department.

(e) In addition to any prohibitions adopted by local ordinance, the prohibitions and restrictions for the North Branch of the Gale River watershed shall be as follows:

(1) A person shall not place, leave or cause to be placed or left, in or within 200 feet of the North Branch of the Gale River or adjacent wetlands, any substance or fluid that may cause the water thereof to become impure or unfit for domestic supply;

(2) A person shall not deposit any human or animal waste on the water, ice or land adjacent to the North Branch of the Gale River or adjacent wetlands;

(3) A person shall not swim, wade or engage in similar water contact activities as defined in RSA 485:22 above the intake of the North Branch of the Gale River on land owned by the town of Littleton;

(4) A person shall not leave any garbage, refuse or trash of any kind brought from home, camp or place of business on town-owned property within the area described in (b), above;

(5) A person shall not break bottles or deposit any refuse or wastes of any description into the North Branch of the Gale River or adjacent wetlands;

(6) A person shall only kindle or maintain charcoal fires or portable propane grills within 75 feet of the Gale River or adjacent wetlands;

- (7) A person shall keep dogs and other pets on a leash while adjacent to the shoreline, shall not leave pets unattended, and shall not permit pets in the water within the area described in (b), above;
 - (8) A person shall not ride horseback along the shoreline within the area described in (b), above;
 - (9) Within the area described in (b), above, a person shall park motor vehicles only in designate parking areas; and
 - (10) A person shall not use highway motor vehicles on the waters or ice of the North Branch of the Gale River or adjacent wetlands.
- (f) A complete set of the North Branch of the Gale River or adjacent wetland rules shall be available and on file at the Littleton Water and Light Department office in Littleton or the town of Bethlehem board of selectmen.

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300); ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8500, eff 11-30-05

Env-Ws 386.46 Protection of the Purity of the Water of the South Branch of the Gale River.

- (a) The purpose of this section is to protect the purity of the water of the South Branch of the Gale River, which is an auxiliary drinking water supply for the town of Littleton.
- (b) This section shall apply within the South Branch of the Gale River watershed above the South Branch dam which is located at approximate latitude 44°14'32", longitude 71°38'19", in the town of Bethlehem.
- (c) Any person violating this section shall, in accordance with RSA 485:26 be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.
- (d) Land within the South Branch of the Gale River watershed which is within the U.S. National Forest system shall be subject to the terms of the "Memorandum of Understanding" between the U.S. Department of Agriculture, Forest Service and the Littleton Water and Light Department.

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300); ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8500, eff 11-30-05

Env-Ws 386.47 Protection of The Purity of The Water of Lake Massabesic and its Tributaries.

- (a) The purpose of this section is to protect the purity of the water of Lake Massabesic, which is the principal drinking water supply for the city of Manchester and portions of the towns of:
- (1) Auburn;
 - (2) Bedford;
 - (3) Derry;

- (4) Goffstown;
- (5) Hooksett; and
- (6) Londonderry.

(b) This section shall apply within the Lake Massabesic watershed which lies above the Massabesic dam, located at approximate latitude 42°57'48", longitude 71°23'43", in the following municipalities:

- (1) Auburn;
- (2) Candia;
- (3) Chester;
- (4) Hooksett; and
- (5) Manchester.

(c) The following terms as used in this section shall be defined as follows:

- (1) "Board of water commissioners" means the governing body of the Manchester water works;
- (2) "Direct tributary" means that portion of any stream shown on the most current version of the U.S. Geological Survey 7 1/2' topographic maps that does not flow into or through a pond, lake, reservoir, or impoundment of 5 acres or more before reaching Lake Massabesic;
- (3) "Motor vehicle" means "motor vehicle" as defined in RSA 259:60;
- (4) "Off highway recreational vehicle (OHRV)" means "off highway recreational vehicle", as defined in RSA 215-A:1, VI.; and
- (5) "Person" means an individual, corporation, company, association, society, firm, partnership, joint stock company, or other legal entity.

(d) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

(e) In accordance with the provisions of RSA 485:24, the health officers and the boards of health of the city of Manchester and the towns of Auburn, Candia, Chester, and Hooksett and their duly authorized agents, and the board of water commissioners and its duly authorized agents, may act as agents of the department for the enforcement of this section in cooperation with the department.

(f) Under the provisions of RSA 485:24, II, the board of water commissioners and its representatives may enter at reasonable times any land or property within the Lake Massabesic watershed for the purpose of investigating watershed sanitation and other sources of potential water contamination.

(g) Where any provision of this section is in conflict with local ordinances, the more stringent provision shall apply.

(h) Waivers and exemptions to this section shall apply as follows:

(1) Any person may request from the department a waiver from the provisions of this section in accordance with Env-Ws 386.04; and

(2) Employees of the board of water commissioners engaged in the performance of necessary duties for the protection and control of Lake Massabesic, its tributaries, and its watershed shall be exempt from the provisions of this section.

(i) The Manchester Water Works shall post a summary of the information contained in (d), above and the prohibitions and restrictions contained in (l), (m), (o) through (q), (s), and (t), below in locations where persons might reasonably be expected to access Manchester Water Works' property, or Lake Massabesic or its tributaries. The posted summary may also contain any other prohibitions contained in this section and any prohibitions or restrictions enacted by local ordinance.

(j) Within 200 feet of Lake Massabesic or any pond, reservoir, or stream tributary thereto, a person shall not build any privy, pigpen, stable, or other buildings or structure in which horses, cattle, swine or other animals or fowl are kept.

(k) Within 200 feet of Lake Massabesic or Tower Hill Pond, the following provisions shall apply:

(1) A person shall not build any privy, toilet, sink drain, or subsurface septic disposal system or allow any discharges therefrom, except as provided by (k)(2) below;

(2) Existing properly functioning septic systems may remain in place; and

(3) If failure of an existing septic system occurs, the owner shall repair or replace said system in accordance with Env-Ws 1003.10.

(l) With the exception of operating an outboard motor, on or within 200 feet of the waters or ice of Lake Massabesic or any pond, reservoir, or stream tributary thereto, a person shall not:

(1) Deposit any dead animal or parts thereof, food or any article perishable or decayable, kitchen waste, swill, garbage, or human waste;

(2) Deposit any hazardous waste, as defined in Env-Wm 110.01(b)(56), such as solid, semi-solid, liquid or contained gaseous waste, or any combination of wastes which possess a threat to human health or the environment;

(3) Deposit solid waste such as refuse, appliances, auto parts, tires, tree stumps, or similar waste; or

(4) Deposit manure, fertilizer, or chemical waste such as gasoline, paint, or similar waste.

(m) On or within the water or ice of Lake Massabesic or any pond, reservoir, or stream tributary thereto the following prohibitions and restrictions shall apply:

- (1) A person shall not bathe, wade, swim, water ski or perform any similar water contact activity;
 - (2) A person shall not use a sunfish, sailfish, sail board, ski craft as defined in RSA 270:73, V, or other craft which in the judgment of the board of water commissioners or its representatives makes extensive bodily contact with the water unavoidable;
 - (3) A person shall not discharge from or off a vessel, cruiser, boat, houseboat, wharf or from a structure of any kind or any tank or receptacle thereon or therein contained, any excrement, urine, or waste;
 - (4) All boats or structures of any kind that are equipped with toilet, lavatory, or other sewage or waste producing fixtures shall be provided with water-tight tanks or receptacles for the reception and temporary storage of such wastes;
 - (5) The aforementioned tanks or receptacles shall be maintained as required in RSA 487:2 and the contents thereof shall be disposed of in a municipal sewage system or to any adequate sewage disposal system on shore;
 - (6) A person shall not tie, beach, or ground an occupied vessel, cruiser, boat, houseboat, or structure of any kind to the water or ice, or tie to the shore for an overnight period or any part of an overnight period, except as permitted by Manchester Water Works pursuant to (t)(4) or (t)(5), below;
 - (7) An unoccupied vessel, cruiser, boat, houseboat, or structure of any kind may be anchored or grounded to said waters or ice only by permission of the board of water commissioners pursuant to (t)(4) or (t)(5), below or land owner, lessee, or person otherwise in control of such location;
 - (8) A person shall not cut or take ice therefrom except by permission and under the direction of the board of water commissioners as provided for in RSA 485:54; and
 - (9) A person shall not use any aircraft.
- (n) In the Lake Massabesic watershed, the following prohibitions or restrictions shall apply:
- (1) A person shall conduct all pesticide applications, as defined in RSA 430, in strict accordance with the rules of the New Hampshire pesticide control board;
 - (2) A person shall conduct all forestry or timber harvesting activities in strict accordance with state of New Hampshire laws including RSA 227-J and in consultation with the Manchester Water Works forester, and
 - (3) A person shall handle any agricultural compost, chemical fertilizer, or manure, as defined in RSA 431:33, in accordance with best management practices published by the New Hampshire department of agriculture, markets, and food in accordance with RSA 431:34.
- (o) In or on Manchester Water Works' property or the waters or ice of Lake Massabesic or any pond, reservoir, or stream tributary thereto, the following prohibitions or restrictions shall apply:

- (1) A person shall not operate an all terrain vehicle or other OHRV other than a snow traveling vehicle as defined in RSA 215-A:1, and then only in non-restricted areas at the operator's own risk; and
 - (2) A person shall not break bottles or throw trash of any description.
- (p) The following areas shall be closed to all human activity:
- (1) The Back or West Pond of Lake Massabesic north and west of the following described line: beginning at Fire Point, then due west to the Hillsborough-Rockingham county line, then southerly by the said line, crossing Birch Island to the mainland as marked by floats and signs; and
 - (2) The outlet of Lake Massabesic from the outlet dam downstream to and including Mill Pond at Island Pond Road and the canal carrying the water to the pumping station.
- (q) On Manchester Water Works' property the following prohibitions and restrictions shall apply:
- (1) A person shall not enter upon or remain between the hours of 8:00 p.m. and 8:00 a.m.;
 - (2) A person shall not place in or adjacent to Manchester Water Works' waste containers any garbage, refuse, or trash of any kind brought from home, camp, or place of business;
 - (3) A person shall only use self-contained charcoal type fires, as opposed to open flame fires and then only in the designated public picnic area adjacent to the Route 28 Bypass;
 - (4) Any vehicle obstructing an emergency access gate shall be subject to towing at owner's expense;
 - (5) A person shall not enter restricted areas that have been posted "NO TRESPASSING"; and
 - (6) A person shall obey in matters governed by this section, all lawful requests made by representatives of the board of water commissioners.
- (r) Within 300 feet of the waters or ice of Lake Massabesic or any pond, reservoir, or stream tributary thereto, a person shall not allow the following as they relate to new or modified construction other than repair or replacement in kind:
- (1) Store liquid petroleum products, except for normal residential use and heating fuels for on-premise use;
 - (2) Store road salt or de-icing chemicals, except for incidental residential use;
 - (3) Service, wash, or repair boats or motor vehicles, except for emergency repairs;
 - (4) Operate a junk yard as defined in RSA 236:112, I or a machinery junk yard as defined in RSA 236:112, III;
 - (5) Render impervious more than 10 percent of any lot or 2500 square feet on any one lot, whichever is greater; or

- (6) Allow or cause to be discharged to the surface or to groundwater any stormwater that has not been treated by permanent methods for protecting water quality described in the rules adopted to implement RSA 485-A:17.
- (s) In or on property owned by Manchester Water Works or the water or ice of Lake Massabesic the following prohibitions or restrictions shall apply:
- (1) A person shall not tent or camp or use overnight trailers, campers, or houseboats;
 - (2) The following provisions shall apply to dogs and other pets:
 - a. A person shall control by leash all such pets;
 - b. A person shall not leave such pets unattended;
 - c. A person shall not permit such pets in the water or on the beach; and
 - d. Pet owners shall be required to pick up and properly dispose of their pets' waste.
 - (3) A person shall not remove or damage or deface any structure, sign, plant, tree, or natural feature; and
 - (4) A person shall not feed ducks, geese, seagulls, or other waterfowl.
- (t) In or on the water or ice of Lake Massabesic the following prohibitions or restrictions shall apply:
- (1) A person shall not operate a motor vehicle other than a snow traveling vehicle;
 - (2) A person shall not race power boats or snow traveling vehicles;
 - (3) A person shall not operate any power boat or snow traveling vehicle at a rate of speed in excess of 35 miles per hour;
 - (4) A person shall not place moorings without a mooring permit issued by the Manchester Water Works;
 - (5) A person shall not place a dock in Lake Massabesic without a dock permit issued by the Manchester Water Works; and
 - (6) The following provisions shall apply to boats:
 - a. A person shall not allow a boat to remain moored after November 30th of each year; and
 - b. Manchester Water Works may remove any boat moored after November 30th of each year at the owner's expense.

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300); ss by #7508, eff 6-21-01; amd

by #7590, EMERGENCY RULE, eff 11-8-01, EXPIRED:
5-7-02; ss by #8500, eff 11-30-05

Env-Ws 386.48 Protection of the Purity of the Merrimack River and Its Watershed.- Nashua
RESERVED

Source. (See Revision Note at chapter heading for Env-
Ws 300) #6521, eff 6-4-97

Env-Ws 386.49 Protection of the Purity of the Water of Lake Waukegan and Its Watershed.

(a) The purpose of this section is to protect the purity of the water of Lake Waukegan which is the principal drinking water supply for the town of Meredith.

(b) This rule shall apply within the Lake Waukegan watershed above the Lake Waukegan dam, which is located at approximate latitude 43° 39'26", longitude 71° 30'02", in the towns of:

- (1) Ashland;
- (2) Center Harbor;
- (3) Holderness;
- (4) Meredith; and
- (5) New Hampton.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with the provisions of RSA 485:24, the health officers and the boards of health of the towns of Ashland, Center Harbor, Holderness, Meredith, and New Hampton and their duly authorized agents, and the board of selectmen of the town of Meredith and its duly authorized agents, may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the more stringent provision shall apply.

(f) Any deviations from this section shall be by written consent of the department, in accordance with Env-Ws 386.04. The provisions of this section shall not apply to employees of the town of Meredith engaged in the performance of necessary duties for the protection and control of said lake.

(g) Grandfathering of existing land uses shall be subject to the following:

- (1) Existing uses as of June 14, 1993 may be continued by the landowner, subject to any other rules which may limit the continuance of an existing use;
- (2) If a change in use, including but not limited to a change from seasonal to year round use of property or structures, higher intensity of use of campsites, or the addition of domestic farm animals, occurs or expansion of an existing use is proposed, the rule requirements shall be met;

- (3) Discontinuance of a grandfathered use for 2 consecutive years shall result in termination of any and all grandfathered rights; and
 - (4) The intent of these rules, to improve and maintain protection of Lake Waukegan, shall be considered at all times.
- (h) In addition to any prohibitions adopted by local ordinance, the prohibitions and restrictions that apply in the Lake Waukegan watershed described in (b), above, shall be as follows:
- (1) A person shall not build or maintain any pigpen, stable, or other building or structure in which horses, cattle swine or other animals or fowl are kept within 200 feet of Lake Waukegan or adjacent wetlands;
 - (2) A person shall not build or maintain any privy, toilet, sink drain or subsurface septic disposal system or discharges therefrom, within 125 feet of Lake Waukegan. Existing properly functioning septic systems within 125 feet of the shoreline may remain in place. If failure occurs, the repair or replacement system shall be in accordance with Env-Ws 1000;
 - (3) A person shall not deposit any dead animals, or parts thereof, food or any perishable articles that will decay and no kitchen waste, swill, garbage, human or animal waste into or upon said water or ice, or placed in, upon or within 200 feet of the waters or ice of Lake Waukegan or adjacent wetlands;
 - (4) A person shall prepare and follow an animal waste management plan to be approved by the Belknap County Conservation District if any one property within 200 feet of Lake Waukegan or adjacent wetlands has more than 5 adult livestock, 10 immature livestock, or 50 poultry;
 - (5) A person shall not place any hazardous waste, as defined in RSA 147-A, such as solid, semi-solid, liquid or contained gaseous waste, or any combination of wastes which pose a threat to human health or the environment in or within 200 feet of the water or ice of Lake Waukegan or adjacent wetlands. State of New Hampshire hazardous waste laws shall be strictly enforced;
 - (6) A person shall not place any solid waste, as defined in RSA 149-M, in, upon, or within 200 feet of the water or ice of Lake Waukegan or any adjacent wetlands;
 - (7) A person shall not place any chemical waste, such as, but not limited to gasoline, paint, fertilizer or similar waste in, upon, or within 200 feet of the water or ice of Lake Waukegan or adjacent wetlands;
 - (8) A person shall conduct all pesticide applications, as defined in RSA 430, made on land areas which contribute surface water runoff either directly to Lake Waukegan or indirectly by running into adjacent wetlands, in strict accordance with the rules of the New Hampshire pesticide control board;
 - (9) A person shall not apply fertilizer, manure, or compost on land areas which contribute surface water runoff either directly or ultimately to Lake Waukegan or adjacent wetlands, other than in strict conformance with Manual of Best Management Practices for Agriculture in New Hampshire, reprinted May 2001, or any subsequent best management practices

identified and published by the commissioner of agriculture, markets, and food pursuant to RSA 431:34;

(10) A person shall perform all forestry or timber harvesting activities conducted within the Lake Waukegan watershed in strict compliance with state of New Hampshire rules adopted under RSA 227-J;

(11) A person shall not wade, swim, water ski or perform any similar water contact activities, within 400 feet of the intake of the Meredith water department;

(12) A person shall not discharge from a vessel, cruiser, boat, houseboat, wharf or a structure of any kind, whether on or in the water or on the ice, or any tank or receptacle thereon or therein contained, any excrement, urine or any waste, nor shall any such waste be left in, on, or within 200 feet of the waters or ice of Lake Waukegan or adjacent wetlands. All boats or structures of any kind used on the water or on the ice that are equipped with toilet, lavatory or other waste fixtures shall be provided with water-tight tanks for the temporary storage of such wastes. The aforementioned tanks shall be maintained as required by RSA 487 and the contents thereof shall be disposed of into a municipal sewerage system or any approved sewage disposal system on shore;

(13) A person shall not moor, anchor or otherwise secure any occupied vessel, cruiser, boat or houseboat of any kind on or to the water or ice, or tied to the shore of Lake Waukegan or adjacent wetlands for an overnight period or any part of an overnight period;

(14) A person, firm or corporation shall not cut and take ice from Lake Waukegan or adjacent wetlands except by permission of, and under the direction of the appropriate board of selectmen as prescribed in RSA 485:54;

(15) A person shall operate off-highway recreational vehicles on the water or ice of Lake Waukegan or adjacent wetlands or upon any land of the Towns within the watershed in strict compliance with the laws of the state of New Hampshire, as defined in RSA 215-A. The use of any land belonging to any of the towns within the watershed or any frozen or non-frozen surface of Lake Waukegan or adjacent wetlands by the owner or operator of any OHRV shall be done at their own risk;

(16) A person shall not use highway motor vehicles on the waters or ice of Lake Waukegan or adjacent wetland except by written permission by the board of selectmen of the town where each entrance or exit is to be made;

(17) Nothing in these rules shall be construed to prevent access to Lake Waukegan for fishing purposes, so long as the intent of the rules is observed;

(18) A person shall not place any garbage, refuse or trash of any kind brought from home, camp or place of business in or near public waste containers. Refuse resulting from picnicking on or adjacent to the Lake Waukegan or adjacent wetlands shall be deposited in approved containers;

(19) A person shall not break bottles or deposit refuse or wastes of any description into Lake Waukegan or adjacent wetlands;

- (20) A person shall only kindle charcoal fires or portable propane grills or maintained such within 75 feet of the Lake or adjacent wetlands;
 - (21) A person shall keep dogs and other pets on a leash while adjacent to the shoreline, shall not leave pets unattended, and shall not permit pets in the water within the area described in (b), above;
 - (22) A person shall not ride horse-back along the shoreline within the area described in (b), above; and
 - (23) A person shall not tent, camp or use of recreational vehicles overnight, or use trailers and campers within 125 feet of Lake Waukegan or adjacent wetland.
- (i) The town of Meredith shall post a summary of the prohibitions contained in (h) above at all public access locations where persons might reasonably be expected to access Lake Waukegan or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance. A complete set of these rules shall be available and on file at the Center Harbor, Meredith and New Hampton town clerk's offices.

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300); ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8500, eff 11-30-05

Env-Ws 386.50 Protection of the Purity of Pennichuck Brook and Its Watershed.

- (a) The purpose of this section is to protect the purity of the water of the Pennichuck Brook pond system, which is the principal drinking water supply source for the city of Nashua and an important water supply source for other municipalities in the region receiving water from the Pennichuck Water Works system.
- (b) This section shall apply within the Pennichuck Brook watershed above the Supply Pond dam which is located at approximate latitude 42°47'30", longitude 71°28'29", in:
- (1) The town of Amherst;
 - (2) The town of Hollis;
 - (3) The town of Merrimack;
 - (4) The town of Milford; and
 - (5) The city of Nashua.
- (c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.
- (d) In accordance with the provisions of RSA 485:24, the health officers and the boards of health of the city of Nashua and the towns of Amherst, Hollis, Merrimack, and Milford and their duly authorized agents may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the more stringent provision shall apply.

(f) Any deviations from this section shall be by written consent of the department in accordance with Env-Ws 386.04. The provisions of this section shall not apply to employees of Pennichuck Water Works engaged in the performance of necessary duties for the protection and control of said stream and ponds.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Pennichuck Brook watershed described in (b), above, shall be as follows:

(1) A person shall not build, continue or maintain any privy, pig-pen, stable or other building or structure in which horses, cattle, swine or other animals or fowls are kept within 75 feet of any of the above-named waters, meaning the high water mark, or within 75 feet of any bay, cove, or inlet thereof, or within 75 feet of any stream tributary to said ponds, brook, bays, coves or inlets;

(2) A person shall not allow any, sink-water, urine, or water that has been used for washing or cleansing materials, persons or food, to run into said ponds or brooks or into any bay, cove or inlet thereof, or into any stream tributary thereto or into any excavation or cesspool in the ground or onto the surface of any ground within 75 feet of said pond's or brook's high water mark, or of any bay, cove, or inlet, or within 75 feet of any stream tributary thereto;

(3) A person shall not throw or deposit any dead animal or fish or parts thereof, or food, or any article perishable or decable, or any dung, either human or animal kitchen waste, swill or garbage, into said ponds or brook, or leave or permit any such wastes to remain within 75 feet meaning the high water mark, or into any bay, cove, or inlet of said ponds or brook, or into any stream tributary thereto, or within 75 feet of such bay, cove or inlet stream or tributary;

(4) A person shall not construct any of the structures or carry any of the conditions described in (1), (2), or (3) above even though beyond the minimum of 75 feet, if the purity of the water thereby is endangered as determined by the department in accordance with Env-Ws 386.03;

(5) A person shall not throw any sawdust or other waste from the cutting of timber, or allow any such waste to fall into said ponds or brook, or into any stream tributary thereto;

(6) A person shall not throw, deposit or allow to remain upon the ice of the waters of said ponds or brook or upon that of any bay, cove, or inlet thereof, or any stream tributary thereto, any matter, waste or materials such as are described in (2), (3), and (5) above; and

(7) A person shall not bathe or swim in said ponds or brook.

(h) Pennichuck Water Works shall post a summary of the prohibitions contained in (g) above at all public access locations where persons might reasonably be expected to access Pennichuck Brook or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300); ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8500, eff 11-30-05

Env-Ws 386.51 Protection of the Purity of the Merrimack River and Its Watershed - Manchester. -
RESERVED

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300)

Env-Ws 386.52 Protection of the Purity of Mountain Pond, Gordon Hill Reservoir and Their Watershed.

(a) The purpose of this section is to protect the purity of the water of Gordon Hill Reservoir which is the principal drinking water supply source for the New Hampton Village Precinct.

(b) This section shall apply within the Mountain Pond/Gordon Hill Reservoir watershed above the dam which is located at approximate latitude 43°35' 55", longitude 71°38'21", in the towns of:

- (1) Meredith;
- (2) New Hampton; and
- (3) Sanbornton.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with the provisions of RSA 485:24, the board of water commissioners of New Hampton Village Precinct and its duly authorized agents, and the health officers and the boards of health of the towns of New Hampton, Meredith and Sanbornton and their duly authorized agents, may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the more stringent provision shall apply.

(f) Any deviations from this section shall be by written consent of the department in accordance with Env-Ws 386.04. The provisions of this section shall not apply to employees of the New Hampton Village Precinct engaged in the performance of necessary duties for the protection and control of Mountain Pond or Gordon Hill Reservoir.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Mountain Pond and Gordon Hill Reservoir watershed described in (b), above, shall be as follows:

- (1) A person shall not build, continue or maintain any building or structure in which animals or fowl are kept, within 75 feet of Mountain Pond, Gordon Hill Reservoir and the connecting brook between said pond and reservoir or within 75 feet of any tributary thereto;
- (2) A person shall not allow any wastes or waters that have been used for washing or cleaning either materials, persons or food to run into said pond or reservoir or any inlet or tributary thereof;
- (3) A person shall not throw or deposit any dead animal, fish, food, or parts thereof or any article perishable or decayable and no excreta, either human or animal, into said pond or reservoir, or leave or permit any such waste to remain on the surface of the ground within 75

feet thereof or into any inlet or tributary thereto or on the ground surface within 75 feet of any inlet or tributary;

(4) A person shall not throw any sawdust or allow any sawdust to fall into said pond or reservoir or into any inlet or tributary thereto;

(5) A person shall not trespass, boat, bathe, swim, fish or carry on any activity whatever whether of recreational, occupational or other nature, in the waters or on the ice of Mountain Pond, Gordon Hill reservoir and the connecting brook between said pond and reservoir; and

(6) A person shall not throw, deposit or allow to remain upon the ice of said pond or reservoir or upon the ice of any inlet or stream tributary thereto, any matter, waste or materials such as are described in (2), (3), and (4) above.

(h) The New Hampton Village Precinct shall post a summary of the prohibitions contained in (g) above at all public access locations where persons might reasonably be expected to access Mountain Pond or Gordon Hill Reservoir or their tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300); ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8500, eff 11-30-05

Env-Ws 386.53 Protection of the Purity of Follett Brook and Its Watershed.

(a) The purpose of this section is to protect the purity of the water of Follett Brook which is a principal drinking water supply for the town of Newmarket.

(b) This section shall apply within the Follet Brook watershed above the dam which is located at approximate latitude 43°04'57", longitude 70°56'55", in the towns of:

(1) Durham;

(2) Lee; and

(3) Newmarket.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with the provisions of RSA 485:24, the health officers and the boards of health of the towns of Durham, Lee, and Newmarket and their duly authorized agents, and the board of water commissioners of the town of Newmarket and its duly authorized agents, may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the more stringent provision shall apply.

(f) Any deviations from this section shall be by written consent of the department in accordance with Env-Ws 386.04. The provisions of this section shall not apply to employees of the board of water

commissioners engaged in the performance of necessary duties for the protection and control of said brook.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Follett Brook watershed described in (b), above, shall be as follows:

(1) A person shall not build, continue, or maintain any privy, pig-pen, stable, or other building or structures in which horses, cattle, swine or other animals or fowls are kept, within 75 feet of the high water mark or within 75 feet of any bay, cove, or inlet thereto, or within 75 feet of any stream tributary to said brook;

(2) A person shall not allow any sink water, urine, or water that has been used for washing or cleansing either materials, persons, or food, to run into said brook, or into any stream tributary thereto, or into any excavation or cesspool in the ground or on the surface of any ground within 75 feet of said brook's, high water mark, or within 75 feet of any stream tributary thereto;

(3) A person shall not throw or deposit any dead animal, fish, or parts thereof, food, any article perishable or decayable, any dung, either human or animal, kitchen waste, swill, or garbage into said brook, or leave or permit any such waste to remain within 75 feet of the high water mark, or into any stream tributary thereto, or within 75 feet of such tributary;

(4) A person shall not deposit any sawdust, shavings, apple pomace, or waste from mills or factories, or allow any such wastes to fall into said brook, or upon their banks so near as to be reachable by the high water level, or into any stream tributary thereto;

(5) A person shall not bathe in said brook;

(6) A person shall not fish in said brook;

(7) A person shall not construct any of the structures or carry out any of the conditions described in (1), (2), (3) and (4) above, beyond the minimum limit of 75 feet, if the purity of the water thereby shall be deemed endangered by the department in accordance with Env-Ws 386.03;

(8) A person shall not throw, deposit or allow to remain upon the ice of the waters of said brook, or upon that of any stream tributary thereto, any matter, waste, or materials such as are described in (2), (3), and (4) above; and

(9) A person shall not use a seaplane on said brook.

(h) The town of Newmarket shall post a summary of the prohibitions contained in (g) above at all public access locations where persons might reasonably be expected to access Follett Brook or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300); ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8500, eff 11-30-05

Env-Ws 386.54 Protection of the Purity of Piscassic River and Its Watershed.- RESERVED

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300)

Env-Ws 386.55 Protection of the Purity of Lamprey River and its Watershed. - RESERVED

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300)

Env-Ws 386.56 Protection of the Purity of the Water of Gilman Pond and Its Watershed in the Town of Unity.

(a) The purpose of this section is to protect the purity of the water of Gilman Pond, which is the principal drinking water supply for the town of Newport.

(b) This section shall apply within the Gilman Pond watershed above the dam which is located at approximate latitude 43°17'39", longitude 72°12'03", in the town of Unity.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with the provisions of RSA 485:24, the health officers and the boards of health of the towns of Unity and Newport and their duly authorized agents, and the board of water commissioners of the town of Newport and its duly authorized agents, may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the more stringent provision shall apply.

(f) Any deviations from this section shall be by written consent of the department in accordance with Env-Ws 386.04. The provisions of this section shall not apply to employees of the board of water commissioners engaged in the performance of necessary duties for the protection and control of said pond.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions and restrictions that apply in the Gilman Pond watershed described in (b), above, shall be as follows:

(1) A person shall not build or maintain any privy, pig pen, stable or other building or structure in which horses, cattle, swine or other animals or fowl are kept, within 200 feet of the high water mark of Gilman Pond or within 200 feet of any inlet thereto;

(2) A person shall not allow any sink water, urine or water that has been used for washing or cleansing materials, persons or food, to run into Gilman Pond, or into any inlet thereof, or into any excavation or cesspool in the ground or on the surface of any ground within 200 feet of the high water mark of Gilman Pond or of any inlet;

(3) A person shall not throw or deposit any dead animal, fish or parts thereof, or food or any article perishable or decayable, or any dung, either human or animal, kitchen waste, swill or garbage into Gilman Pond, or leave or permit any such wastes to remain within 200 feet of the high water mark thereof, or into any inlet of Gilman Pond or within 200 feet of such inlet;

- (4) A person shall not throw, deposit or allow to remain upon the ice of the waters of Gilman Pond, or upon that of any inlet thereof, any matter, waste or materials such as described in (2) or (3) above;
- (5) A person shall not drive, ride or race any cattle, horses, or other animal used either for teaming, riding or speeding, upon the ice of Gilman Pond;
- (6) A person shall not build or maintain any privy, toilet, sink drain or subsurface septic disposal system or discharges therefrom, within 200 feet of Gilman Pond. Existing properly functioning septic systems within 200 feet of the shoreline may, at the owners' discretion, remain in place. If failure occurs, the repair or replacement shall be carried out in accordance with Env-Ws 1000 with adherence to the 200 foot setback;
- (7) A person shall not place or leave any hazardous waste as defined in RSA 147-A or Env-Wm 100 through Env-Wm 1000, or any combination of wastes which pose a threat to human health or the environment, in, on or near the waters or ice of Gilman Pond or any stream tributary thereto;
- (8) A person shall not place or leave any solid waste, as defined in RSA 149-M, including but not limited to refuse, appliances, auto parts, tires, and tree stumps, in, on or near the water or ice of Gilman Pond or any stream tributary thereto;
- (9) A person shall not place any chemical waste such as gasoline, paint, fertilizers or similar waste, into, on or upon the water or ice, or within 200 feet of Gilman Pond or any stream tributary thereto;
- (10) A person shall conduct all pesticide applications, as defined in RSA 430 made on that land area which contributes surface water runoff either directly into Gilman Pond or indirectly by running into any stream tributary thereof, in strict accordance with the rules of the New Hampshire pesticide control board;
- (11) A person shall perform all forestry or timber harvesting activities conducted in the Gilman Pond watershed, in strict accordance with state of New Hampshire laws including RSA 227-J, and in consultation with the town of Newport;
- (12) A person shall not bathe, wade, swim, water-ski, or perform any similar water contact activity in Gilman Pond or any stream tributary thereto;
- (13) A person shall not discharge off or from a vessel, cruiser, boat, houseboat, wharf or from a structure of any kind whether on the water or on the ice, or from any tank or receptacle thereon or therein contained, any excrement or urine, nor shall a person leave any such waste in, on or near the waters or ice of Gilman Pond or stream tributary thereto;
- (14) A person shall not tie, beach or ground any occupied vessel, cruiser, boat, houseboat or structure of any kind to the water, ice, or shore of Gilman Pond or any stream tributary thereto for an overnight period;
- (15) A person, firm or corporation shall not cut or take ice from Gilman Pond or any stream tributary thereto;

- (16) A person shall not use or operate any off-highway recreational vehicle (OHRV), as defined in RSA 215-A, on the water or ice of Gilman Pond or any stream thereto, or any land around Gilman Pond without the express written permission of the board of selectmen of the town where entrance or exit is to be made;
- (17) A person shall not use any aircraft on the waters or ice of Gilman Pond or any stream tributary thereto; and
- (18) A person shall not boat or fish in Gilman Pond or any stream tributary thereto.

(h) The town of Newport shall post a summary of the prohibitions contained in (g) above at all public access locations where persons might reasonably be expected to access Gilman Pond or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300); ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8500, eff 11-30-05

Env-Ws 386.57 Protection of the Purity of Berry Pond and Its Watershed.

(a) The purpose of this section is to protect the purity of the water of Berry Pond which is the principal drinking water supply for the town of Pittsfield.

(b) This section shall apply within the Berry River watershed above the dam which is located at approximate latitude 43°17'28", longitude 71°18'03", in the town of Pittsfield.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with the provisions of RSA 485:24, the health officer and the board of health of the town of Pittsfield and their duly authorized agents may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the more stringent provision shall apply.

(f) Any deviations from this section shall be by written consent of the department in accordance with Env-Ws 386.04. The provisions of this section shall not apply to employees of the board of water commissioners engaged in the performance of necessary duties for the protection and control of said pond.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Berry Pond watershed described in (b), above, shall be as follows:

- (1) A person shall not build, continue, or maintain any privy, pig-pen, stable, or other building or structures in which horses, cattle, swine or other animals or fowls are kept, within 75 feet of Berry Pond, meaning the high water mark, or within 75 feet of any bay, cove, or inlet thereto, or within 75 feet of any stream tributary to said pond, bays, coves or inlets;
- (2) A person shall not allow any sink water, urine, or water that has been used for washing or cleansing either materials, persons, or food, to run into said pond, or into any bay, cove, or

inlet thereof, or into any stream tributary thereto, or into any excavation or cesspool in the ground or on the surface of any ground within 75 feet of said ponds, meaning the high water mark, or of any bay, cove, or inlet, or within 75 feet of any stream tributary thereto;

(3) A person shall not throw or deposit any dead animal, fish, or parts thereof, food, any article perishable or decayable, or any dung either human or animal, kitchen waste, swill, or garbage into said pond, or leave or permit any such wastes to remain within 75 feet of the high water mark, or into any bay, cove, or inlet of said pond, or into any stream tributary thereto, or within 75 feet of such bay, cove, or inlet, stream or tributary;

(4) A person shall not build any of the structures or carry out any of the conditions described in (1), (2), and (3) above if the purity of the water is thereby deemed endangered by the department in accordance with Env-Ws 386.03;

(5) A person shall not bathe in said pond;

(6) A person shall not throw any sawdust or allow any sawdust to fall into said pond, or into any stream tributary thereto;

(7) A person shall not throw, deposit, or allow to remain upon the ice of the waters of said pond, or upon that of any bay, cove, or inlet thereof, or of any stream tributary thereto, any matter, waste, or materials such as are described in (2) and (3) above; and

(8) A person shall not use a seaplane on said pond.

(h) The Pittsfield Aqueduct Company shall post a summary of the prohibitions contained in (g) above at all public access locations where persons might reasonably be expected to access Berry Pond or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300); ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8500, eff 11-30-05

Env-Ws 386.58 Protection of the Purity of The Bellamy Reservoir and Its Watershed.

(a) The purpose of this section is to protect the purity of the water of the Bellamy Reservoir which is the principal drinking water supply for the city of Portsmouth.

(b) This section shall apply within the Bellamy river watershed above the dam which is located at approximate latitude 43°10'49", longitude 70° 56'55", in the towns of:

(1) Barrington;

(2) Dover; and

(3) Madbury.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with the provisions of RSA 485:24, the health officers and the boards of health of the towns of Barrington, Dover, and Madbury and their duly authorized agents, and the board of water commissioners of the city of Portsmouth and its duly authorized agents, may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the more stringent provision shall apply.

(f) Any deviations from this section shall be by written consent of the department, in accordance with Env-Ws 386.04. The provisions of this section shall not apply to officials or employees of the town of Madbury or the city of Portsmouth board of water commissioners engaged in the performance of necessary duties for the protection of public safety or the protection and control of said reservoir.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Bellamy Reservoir watershed described in (b), above, shall be as follows:

(1) A person shall not build, continue, or maintain any building or structure of any kind in which animals or fowls are kept, within 75 feet of Bellamy Reservoir meaning the high water elevation as defined by the existing spillway elevation of 136.0 feet, or within 75 feet of any inlet or tributary thereto;

(2) A person shall not discharge any sewage waste, as defined in RSA 485:1, treated or otherwise, into said reservoir or any inlet or tributary thereof;

(3) A person shall not throw or deposit any dead animal, or fish, or parts thereof, any article perishable or decayable, or any excreta, either human or animal, into said reservoir, or leave or permit any such waste to remain on the surface of the ground within 75 feet thereof or into any inlet or tributary thereto, or on the ground surface within 75 feet of any inlet or tributary;

(4) A person shall not bathe or swim in said reservoir or any inlet or tributary thereto;

(5) A person shall not operate any boats propelled by means of inboard or outboard motors other than electric motors on the waters of said reservoir;

(6) A person shall not enter upon or conduct any activity on the ice of said reservoir within 100 feet of the Route 9 bridge, said bridge not being construed to include the causeway;

(7) All activity whether of recreational, occupational or other nature, in or on the waters of said reservoir, within a distance of 2,000 feet of the water supply intake structure, the farthest extent of said area to be marked by signs or buoys, is hereby prohibited;

(8) A person shall not throw, deposit or allow to remain upon the ice of the waters of said reservoir or upon the ice of any inlet or stream tributary thereto, any sewage or waste as defined in subparagraph (2) above; and

(9) A person shall not operate any seaplane or any motor vehicle as defined in RSA 259:60, other than an all-terrain vehicle as defined in RSA 215-A:1, I-b. or a snow-traveling vehicle as defined in RSA 215-A:1, XIII., on any portion of said reservoir.

(h) The city of Portsmouth shall post a summary of the prohibitions contained in (g) above at all public access locations where persons might reasonably be expected to access Bellamy Reservoir or its

tributaries. This posted summary may also contain any prohibitions enacted by local ordinance. These rules shall not apply to staff or hired employees.

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300); ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8500, eff 11-30-05

Env-Ws 386.59 Protection of the Purity of Round Pond and Rochester Reservoir and Their Watersheds.

(a) The purpose of this section is to protect the purity of the waters of Round Pond and the Rochester Reservoir which are principal drinking water supplies for the city of Rochester.

(b) This section shall apply within the Round Pond and the Rochester Reservoir watershed above the dam which is located at approximate latitude 43°17'18", longitude 71°02'33", in the:

(1) City of Rochester; and

(2) Town of Barrington.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with the provisions of RSA 485:24, the health officers and the boards of health of the city of Rochester and town of Barrington and their duly authorized agents, and the board of water commissioners of the city of Rochester and its duly authorized agents, may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the more stringent provision shall apply.

(f) Any deviations from this section shall be by written consent of the department in accordance with Env-Ws 386.04 and the city of Rochester. The provisions of this section shall not apply to employees of the board of water commissioners engaged in the performance of necessary duties for the protection and control of said pond or reservoir.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Round Pond and Rochester Reservoir watershed described in (b), above, shall be as follows:

(1) A person shall not build, continue or maintain any building or structure of any kind in which animals or fowls are kept, within 75 feet of Round Pond and Rochester Reservoir, upstream of the water works intake structure or within 75 feet of any inlet or tributary thereto;

(2) A person shall not allow any wastes or waters that have been used for washing or cleansing either materials, person or food, to run into said pond or reservoir or any inlet or tributary thereof;

(3) A person shall not throw or deposit any dead animal, fish, or parts thereof, or food or any article perishable or decayable, or any excreta, either human or animal, into said pond or reservoir, nor shall a person allow any such wastes to remain on the surface of the ground

within 75 feet thereof or into any inlet or tributary thereto or on the ground surface within 75 feet of any inlet, stream or tributary;

(4) A person shall not throw any sawdust, or allow any sawdust to fall, into said pond or reservoir or into any inlet or tributary thereto;

(5) A person shall not boat, bathe, swim, fish or carry on any activity of a recreational nature in or on the waters of Round Pond, Rochester Reservoir or any inlet or tributary thereto;

(6) A person shall not throw, deposit or allow to remain upon the ice of the waters of said pond or reservoir, or upon that of any inlet or tributary thereto, any matter, waste, or materials such as are described in (2), (3) and (4) above; and

(7) A person shall not use any seaplane on said pond or reservoir.

(h) The city of Rochester shall post a summary of the prohibitions contained in (g) above at all public access locations where persons might reasonably be expected to access the Round Pond and the Rochester Reservoir or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300); ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8500, eff 11-30-05

Env-Ws 386.60 Protection of the Berry's River and Its Watershed.

(a) The purpose of this section is to protect the purity of the water of Berry's River and its watershed which are a principal drinking water supply for the City of Rochester.

(b) This section shall apply within the Berry's River watershed above the diversion dam which is located at approximate latitude 43°17'16", longitude 71°03'44", in the:

(1) Town of Barrington;

(2) Town of Farmington;

(3) Town of Strafford; and

(4) City of Rochester.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with the provisions of RSA 485:24, the health officers and the boards of health of the towns of Barrington, Farmington, and Strafford and the city of Rochester and their duly authorized agents, and the board of water commissioners of the city of Rochester and its duly authorized agents, may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the more stringent provision shall apply.

(f) Any deviations from this section shall be by written consent of the department in accordance with Env-Ws 386.04. The provisions of this section shall not apply to employees of the board of water commissioners engaged in the performance of necessary duties for the protection and control of said river.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Berry's River watershed described in (b), above, shall be as follows:

(1) A person shall not build, continue, or maintain any building or structure of any kind in which animals or fowls are kept, within 75 feet of Berry's River upstream of the water works intake structure or within 75 feet of any inlet or tributary thereto;

(2) A person shall not run any wastes or waters that have been used for washing or cleansing either materials, person or food, into said river or any inlet or tributary thereof;

(3) A person shall not throw or deposit any dead animal, or fish, or parts thereof, or food or any article perishable or decayable, or any excreta, either human or animal, into said river, or leave or permit any such wastes to remain on the surface of the ground within 75 feet thereof or into any inlet or tributary thereto or on the ground surface within 75 feet of any inlet, stream or tributary;

(4) A person shall not throw any sawdust, or allow any sawdust to fall into said river or into any inlet or tributary thereto;

(5) A person shall not boat, bathe, swim, fish or carry on any other activity of a recreational nature in or on the waters of Berry's River and its tributaries above the intake structure for the Rochester Water Works;

(6) A person shall not throw or deposit or allow to remain upon the ice of the waters of said river, or upon that of any inlet or tributary thereto, any matter, waste, or materials such as are described in (2), (3) and (4) above; and

(7) A person shall not use a seaplane on said river.

(h) The city of Rochester shall post a summary of the prohibitions contained in (g) above at all public access locations where persons might reasonably be expected to access Berry's River or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300); ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8500, eff 11-30-05

Env-Ws 386.61 Protection Of The Purity of The Water Of Canobie Lake and Its Watershed.

(a) The purpose of this section is to protect the purity of the water of Canobie Lake which is the principal drinking water supply for the town of Salem.

(b) This section shall apply within the Canobie Lake watershed above the dam which is located at approximate latitude 42°47'30", longitude 71°15'04", in the towns of:

(1) Salem; and

(2) Windham.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with the provisions of RSA 485:24, the health officers and the boards of health of the towns of Salem and Windham and their duly authorized agents, and the board of water commissioners of the town of Salem and its duly authorized agents, may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the more stringent provision shall apply.

(f) Any deviations from this section shall be by written consent of the department in accordance with Env-Ws 386.04. The provisions of this section shall not apply to employees of the board of water commissioners engaged in the performance of necessary duties for the protection and control of said lake.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions and restrictions that apply in the Canobie Lake watershed described in (b), above, shall be as follows:

(1) A person shall not build, continue, or maintain any privy, pig-pen, stable, or other building or structure in which horses, cattle, swine, or other livestock or fowl are kept, within 75 feet of Canobie Lake's high water mark, or within 75 feet of any bay, cove, or inlet thereto;

(2) A person shall not allow any sink water, urine, or water that has been used for washing or cleansing either materials, persons, or food, to run into said lake, or into any bay, cove or inlet thereof, or into any excavation or cesspool in the ground or on the surface of any ground, within 75 feet of said lake's high water mark, or of any bay, cove, or inlet;

(3) A person shall not throw or deposit any dead animal, fish, or parts thereof, or food or any article perishable or decayable, or any dung, either human or animal, kitchen waste, swill or garbage, into said lake, or leave or permit any such waste to remain within 75 feet of the high water mark, or into any bay, cove, or inlet of said lake, or within 75 feet of such bay, cove or inlet;

(4) A person shall not bathe or swim or engage in other body-contact activities in said lake;

(5) Any boat used upon said lake shall comply with RSA 487:1 through RSA 487:3 with respect to the discharge of sewage or gray water;

(6) A person shall not throw or deposit or allow to remain upon the ice of the waters of said lake or any bay, cove, or inlet thereof, any matter, waste, or materials such as are described in (2) and (3) above; and

(7) A person shall not use a seaplane on said lake.

(h) The town of Salem shall post a summary of the prohibitions contained in (g) above at all public access locations where persons might reasonably be expected to access Canobie Lake or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300); ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8500, eff 11-30-05

Env-Ws 386.62 Protection of the Purity of Arlington Mills Reservoir and Its Watershed. - RESERVED

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300)

Env-Ws 386.63 Protection of the Purity of Salmon Falls River and Its Watershed. - RESERVED

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300)

Env-Ws 386.64 Protection of the Purity of Lake Sunapee and Its Watershed.

(a) The purpose of this section is to protect the purity of the water of Lake Sunapee which is the principal drinking water supply for the town of Sunapee.

(b) This section shall apply within the Lake Sunapee watershed above the dam which is located at approximate latitude 43°23'08", longitude 72°04'53", in the towns of:

- (1) Newbury;
- (2) New London; and
- (3) Sunapee.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with the provisions of RSA 485:24, the health officers and the boards of health of the towns of Newbury, New London, and Sunapee and their duly authorized agents, and the board of water commissioners of the town of Sunapee and its duly authorized agents, may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the more stringent provision shall apply.

(f) Any deviations from this section shall be by written consent of the department, in accordance with Env-Ws 386.04. The provisions of this section shall not apply to employees of the board of water commissioners engaged in the performance of necessary duties for the protection and control of said lake.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions and restrictions that apply in the Lake Sunapee watershed described in (b), above, shall be as follows:

- (1) A person shall not build, continue, or maintain any privy, pig-pen, stable, or other building or structures in which horses, cattle, swine or other livestock or fowls are kept, within 75 feet of Lake Sunapee's, high water mark, or within 75 feet of any bay, cove, or inlet thereto, or within 75 feet of any stream tributary to said lake, bays, coves or inlets;

- (2) A person shall not allow any sink water, urine, or water that has been used for washing or cleansing either materials, persons, or food, to run into said lake, or into any bay, cove, or inlet thereof, or into any stream tributary thereto, or into any excavation or cesspool in the ground or on the surface of any ground within 75 feet of said lake 's high water mark, or of any bay, cove, or inlet, or within 75 feet of any stream tributary thereto;
- (3) With the exception of using such materials as bait for fishing, a person shall not throw or deposit any dead animal or fish, or parts thereof, or food or any article perishable or decayable, or any dung either human or animal, kitchen waste, swill, or garbage, into said lake, or leave or permit any such wastes to remain within 75 feet of the high water mark, or into any bay, cove, or inlet of said lake, or into any stream tributary thereto, or within 75 feet of such bay, cove, or inlet, stream or tributary thereto;
- (4) A person shall not throw any sawdust, or allow any sawdust to fall, into said lake or into any stream tributary thereto;
- (5) Any boat used upon said lake shall comply with RSA 487:1 through RSA 487:3 with respect to the discharge of sewage or gray water;
- (6) A person shall not throw, deposit or allow to remain upon or in the ice or the waters of said lake, or upon that of any bay, cove, or inlet thereof, or of any stream tributary thereto, any waste or pollutants; and
- (7) A person shall not use a seaplane in Sunapee Harbor north and west of a line from Russell Point bearing south 45 degrees west to the opposite shore.
- (h) The town of Sunapee shall post a summary of the prohibitions contained in (g) above at all public access locations where persons might reasonably be expected to access Lake Sunapee and/or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300); ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8500, eff 11-30-05

Env-Ws 386.65 - RESERVED

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300); ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; rpld by #8500, eff 11-30-05

Env-Ws 386.66 - RESERVED

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300); ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; rpld by #8500, eff 11-30-05

Env-Ws 386.67 Protection of the Purity of Connecticut River and Its Watershed. - RESERVED

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300)

Env-Ws 386.68 Protection of the Purity of the Water of Fassett Brook Reservoir.

(a) The purpose of this section is to protect the purity of the water of Fassett Brook Reservoir, the principal drinking water supply for the town of Troy.

(b) This section shall apply within Fassett Brook watershed above the reservoir dam which is located at approximate latitude 42°50'19", longitude 72°08'26", in the Town of Jaffrey.

(c) In accordance with the provisions of RSA 485:24, the health officer and the board of health of the town of Jaffrey and their duly authorized agents, and the board of water commissioners of the town of Troy and its duly authorized agents, may act as agents of the department for the enforcement of this section in cooperation with the department.

(d) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(e) A person shall not build, continue or maintain any livestock, stable or other building or structures in which livestock are kept, within 75 feet of the Fassett Brook Reservoir or within 75 feet of any stream tributary thereto without the written approval of the department, in accordance with Env-Ws 386.04.

(f) A person shall not discharge any industrial or domestic wastewater into the Fassett Brook Reservoir or into any stream tributary thereto.

(g) A person shall not throw or deposit any solid waste material into the Fassett Brook Reservoir, or leave or permit to remain within 75 feet of the reservoir, or any stream tributary thereto.

(h) A person shall not apply or store any fertilizer, pesticides, gasoline, oil or other hazardous chemicals or materials within 75 feet of the Fassett Brook Reservoir or any stream tributary thereto.

(i) A person shall not bathe in the Fassett Brook Reservoir.

(j) A person shall not fish in the Fassett Brook Reservoir.

(k) A person shall not boat in the Fassett Brook Reservoir.

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300); ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8500, eff 11-30-05

Env-Ws 386.69 Protection of the Purity of Upper Beech Pond and its Watershed.

(a) The purpose of this section is to protect the purity of the water of Upper Beech Pond which is the principal drinking water supply for the town of Wolfeboro.

(b) This section shall apply within the Upper Beach Pond watershed above the outlet which is located at approximate latitude 43°38'35", longitude 71°12'33", in the towns of:

(1) Tuftonboro; and

(2) Wolfeboro.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with the provisions of RSA 485:24, the health officers and the boards of health of the towns of Tuftonboro and Wolfeboro and their duly authorized agents, and the board of water commissioners of the town of Wolfeboro and its duly authorized agents, may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the more stringent provision shall apply.

(f) Any deviations from these rules shall be by written consent of the department, in accordance with Env-Ws 386.04. The provisions of this section shall not apply to employees of the board of water commissioners engaged in the performance of necessary duties for the protection and control of said pond.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Upper Beech Pond watershed described in (b), above, shall be as follows:

(1) No trespassing on town owned land around said pond will be allowed. This includes, but shall not be limited to, hiking, camping, picnicking, horseback riding or use of any off-highway recreational vehicles at any time; and

(2) No boating, fishing, swimming or any use is allowed on or in the pond.

(h) The town of Wolfeboro shall post a summary of the prohibitions contained in (g) above at all public access locations where persons might reasonably be expected to access Upper Beech Pond or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

Source. #6521, eff 6-4-97 (See Revision Note at chapter heading for Env-Ws 300); ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8500, eff 11-30-05